

U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
WASHINGTON, D.C. 20202-2741

NEW

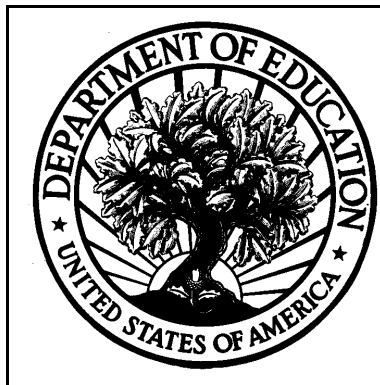
APPLICATIONS FOR GRANTS

UNDER THE

CENTERS FOR INDEPENDENT LIVING

PROGRAM

CFDA Number: 84.132A-4



FORM APPROVED
OMB No. 1820-0018, Through 9/98
ED FORM 424, 4/88
DATED MATERIAL - OPEN IMMEDIATELY
Closing Date: August 15, 1997

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATION SERVICES
REHABILITATION SERVICES ADMINISTRATION

July 9, 1997

Dear Applicant:

The Secretary invites new grant applications for Fiscal Year (FY) 1997 under the Centers for Independent Living (centers) program, authorized by part C, Chapter 1 of Title VII (part C) of the Rehabilitation Act of 1973, as amended (Act). We are sending you an application package containing information necessary to apply for a FY 1997 grant.

For FY 1997, in addition to the funds available under the previous competitions in the program, an additional \$431,361 is distributed to the State of South Carolina.

The Secretary is authorized to make grants to eligible entities for planning, conducting, administering, and evaluating centers. Eligible entities are consumer controlled, community-based, cross-disability, nonresidential private nonprofit agencies, in or bordering on States in which the entities plan to establish centers. An entity presently operating a center supported by part C may apply in this competition to establish a satellite center in a different geographical area. A satellite center must meet all of the criteria of a center with the exception that it may share a governing board with the original center.

An application must contain information that: (1) satisfactorily demonstrates to the Rehabilitation Services Administration (RSA) that the applicant entity meets the standards described in section 725(b) of the Act; (2) contains the assurances described in section 725(c) of the Act; and (3) is consistent with the State plan for independent living in the State in which it plans to provide independent living services. If an entity is applying for funds in more than one State, it must submit a separate application for each State for which it is seeking funds.

In each State where funds are available, RSA invited the Statewide Independent Living Council and the Designated State Unit to provide information on the priority areas in the State, consistent with the State's plan, for the establishment of new centers. A summary of each letter received and pertinent information from each State's approved State plan is included in this package in Section H.

Application Procedures

This package contains instructions and forms for preparing an application. Please review these materials carefully. Your application must comply with each requirement and be received by the Department before the application deadline date specified on the front cover of this application package.

Included with your application package is a "Notice to all Applicants," which requires information in your application regarding access to the proposed center for independent living for students, teachers, and other program beneficiaries with special needs. These provisions should be addressed in your application when addressing the requirements for access and outreach.

In the Application Transmittal Instructions, we request that an original and four copies are to be submitted. Send four copies to the Application Control Center, Attention: CFDA 84.132A-4, 600 Maryland Avenue, S.W., Washington, D.C. 20202-4725. Send the original application to the U.S. Department of Education, Rehabilitation Services Administration (RSA), (Appropriate RSA Regional Office), CFDA 84.132A-5, (Appropriate Regional Address).

Regulations for this program are contained in 34 CFR Parts 364 and 366. The Secretary will evaluate each application for a new center under this program by using the selection criteria in 34 CFR 366.27. A copy of the regulations is included in this package (see section D). The selection criteria may also be found on pages E-7 through E-12.

Grants funded under this program are also subject to the requirements of the Education Department General Administrative Regulations, which set forth all general rules affecting application submittal, review, grant award, and post-award administration for Department of Education grant programs. These regulations were published in the FEDERAL REGISTER at 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85 and 86. In addition, the Department requires the applicant to provide a Disclosure of Lobbying Activities form, a Certification Regarding Lobbying Activities form and a Certification Regarding Lobbying for Grants and Cooperative Agreements.

A list of State single points of contact is included in this package in Section F. Applicants must contact the appropriate State single point of contact to find out about, and comply with, the State's process under Executive Order 12372.

Thank you for your interest in the centers program. If additional information is needed, John Nelson, at TDD/Phone (202) 205-9362.

Sincerely,

(Signed)
Thomas E. Finch, Ph.D.
Acting Associate Commissioner
Office of Developmental Programs

SECTION B

**NOTICE INVITING APPLICATIONS FOR
NEW AWARDS**

4000-01-P

DEPARTMENT OF EDUCATION

(CFDA No.: 84.132A-4)

Centers for Independent Living

Notice inviting applications for new awards for fiscal year
(FY) 1997.

PURPOSE OF PROGRAM: This program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of the Rehabilitation Act of 1973, as amended (Act), consistent with the State plan for establishing a statewide network of centers. Centers are consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies that are designed and operated within local communities by individuals with disabilities and provide an array of independent living (IL) services.

ELIGIBLE APPLICANTS: To be eligible to apply, an applicant must be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency as defined in 34 CFR 364.4; have the power and authority to meet the requirements in 34 CFR 366.2(a)(1); be able to plan, conduct, administer, and evaluate a center for independent living consistent with the requirements of section 725(b) and (c) of the Act and Subparts F and G of 34 CFR Part 366; and either-- (1) not currently be receiving funds under Part C of Chapter 1 of Title VII of the

Act; or (2) propose the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) in a different geographical location. Eligibility under this competition is limited to entities that meet the requirements of 34 CFR 366.24 and propose to serve areas that are unserved or underserved in the States and territories listed under AVAILABLE FUNDS.

SUPPLEMENTARY INFORMATION: The current grantee under this program that is eligible for a grant under the statute has withdrawn its application. Therefore, the funds are available to other applicants.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: August 15, 1997

DEADLINE FOR INTERGOVERNMENTAL REVIEW: September 29, 1997

APPLICATIONS AVAILABLE: July 3, 1997

AVAILABLE FUNDS: \$431,691 as distributed in the following manner:

South Carolina \$431,691

ESTIMATED RANGE OF AWARDS: \$100,000 - 431,691

ESTIMATED NUMBER OF AWARDS: 1-4 per eligible State.

NOTE: The Department is not bound by any estimates in this notice.

PROJECT PERIOD: Up to 60 months.

APPLICABLE REGULATIONS: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR Parts 364 and 366.

FOR APPLICATIONS OR FURTHER INFORMATION CONTACT: John Nelson, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3326 Switzer Building, Washington, D.C. 20202-2741. Telephone (202) 205-9362. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be downloaded from the Rehabilitation Services Administration's electronic bulletin board, telephone (202) 205-5574 (2400 bps) and (202) 205-9950 (9600 bps) or from the World Wide Web (at <http://www.ed.gov/offices/OSERS/RSA/rsakits.html>); and can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260-9950; on the Internet Gopher Server (at <gopher://gcs.ed.gov>); or on the World Wide Web (at <http://gcs.ed.gov>). However, the official application notice for this competition is the notice published in the FEDERAL REGISTER. PROGRAM AUTHORITY: 29 U.S.C. 721(c) and (e) and 796(f)
Dated: June 30, 1997

(signed)

Judith E. Heumann,
Assistant Secretary for
Special Education and
Rehabilitative Services.

SECTION C

APPLICATION TRANSMITTAL INSTRUCTIONS

APPLICANT TRANSMITTAL INSTRUCTIONS

TWO COPIES OF THE APPLICATION MUST BE **RECEIVED BY** THE APPLICATION CONTROL CENTER NO LATER THAN THE APPLICATION TRANSMITTAL DEADLINE, August 15, 1997. TO ASSIST IN PROCESSING YOUR APPLICATION, WE ASK THAT YOU SEND TWO ADDITIONAL COPIES, FOR A TOTAL OF FOUR COPIES TO THE APPLICATION CONTROL CENTER.

Application Delivered by Mail

Please send four copies to the Application Control Center, Attention: CFDA 84.132A4, 600 Maryland Avenue, S.W., Washington, D.C. 20202-4725. Send one original application to the U.S. Department of Education, Rehabilitation Services Administration (RSA), (Appropriate RSA Regional Office), CFDA 84.132A, (Appropriate Regional Address).

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that the application will not be considered.

Applications Delivered by Hand/Courier Service

An application that is hand delivered must be taken to the U.S. Department of Education, Applicant Control Center. In order for an application sent through a courier service to be considered timely, the courier service must have delivered the application to the application control center on or before the closing date.

Acknowledgement of Grant Application Receipt

The Application Control Center will mail a Grant Application Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the closing date, the applicant should contact the appropriate U.S. Department of Education, RSA Regional Contact person in the listed in attachment B. A roster of names and addresses of RSA Central and Regional Office Staff involved with the program is included in this package.

The applicant must indicate on the envelope, and in item 10 of the Application for Federal Assistance - standard form 424 (unless preprinted on the form by the Department), the CFDA number and suffix letter of the competition under which the application is being submitted -- 84.132A4.

Education Bulletin Boards

There is now an electronic bulletin board with information about grant and contract opportunities at the U.S. Department of Education. The bulletin board is open to public access. The

official version of the documents received from any electronic bulletin board is the version that is published in the Federal Register. The Education Department Electronic Bulletin Board Data Number (202) 260-9950.

Unofficial copies of this application package may be obtained from the RSA Bulletin Board (RSABBS). You may reach RSABBS at the following numbers:

2,400 BPS line (202) 205-5574, and
14,400 BPS line (202) 205-9694.

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
REGIONAL OFFICE DIRECTORY**

REGION I

Mr. John J. Szufnarowski
RSA Regional Commissioner
01-0041
Dept. of Education, OSERS
J.W. McCormack Post Office
and Court House, Rm. 232
Boston, MA 02109
9-1-617-223-4086
FAX: 9-1-617-223-4573
TDD: 9-1-617-223-4573
RSA BBS USER-ID: RSARCI
-- Connecticut
-- Maine
-- New Hampshire
-- Rhode Island
-- Vermont
-- Massachusetts

Hours: 8:00 - 4:30
EDST: 8:00 - 4:30

REGION II

RSA Regional Commissioner
02-1050
Dept. of Education, OSERS
75 Park Place, Room 1236
New York, New York 10007
9-1-212-637-6449
FAX: 9-1-212-264-3029
TDD: 9-1-212-264-4028
RSA BBS USER-ID: RSARCII
-- New Jersey
-- Puerto Rico
-- Virgin Island
-- New York

Hours: 8:00 - 4:30
EDST: 8:00 - 4:30

REGION III

Dr. Ralph N. Pacinelli
RSA Regional Commissioner
03-2050
Dept. of Education, OSERS
3535 Market St., Rm 16120
Philadelphia, PA 19104
9-1-215-596-0317
FAX: 9-1-215-596-0471
TDD: 9-1-215-596-0269
RSA BBS USER-ID: RSARCIH
-- District of Columbia
-- Delaware
-- Maryland
-- Virginia
-- West Virginia
-- Pennsylvania

Hours: 8:30 - 5:00
EDST: 8:30 - 5:00

REGION IV

RSA Regional Commissioner
04-3050
Dept. of Education, OSERS
101 Marietta St., N.W.,
Suite 2210, P.O. Box 1691
Atlanta, GA 30301
9-1-404-331-2352
FAX: 9-1-404-331-0494
TDD: 9-1-404-730-3825
RSA BBS USER-ID: RSARCIV
-- Alabama
-- Florida
-- Kentucky
-- N. Carolina
-- S. Carolina
-- Tennessee
-- Georgia
-- Mississippi

Hours: 8:00 - 5:00
EDST: 8:00 - 5:00

REGION V

Dr. Douglas Burleigh
RSA Regional Commissioner
05-4050
Dept. of Education, OSERS
111 N. Canal, Room 1048
Chicago, IL 60606

9-1-312-886-8630
FAX: 9-1-312-353-8623
TDD: 9-1-312-353-9694
RSA BBS USER-ID: RSARCV
-- Indiana
-- Michigan
-- Minnesota
-- Ohio
-- Wisconsin
-- Illinois

Hours: 8:15 - 4:45
EDST: 9:15 - 5:45

REGION VI

Mr. Loerance Deaver
RSA Regional Commissioner
06-5050
Dept. of Education, OSERS
1200 Main Tower Bldg., Rm. 22220
Dallas, TX 75202
9-1-214-767-2961
FAX: 9-1-214-767-8127
TDD: 9-1-214-767-8125
RSA BB USER-ID: RSARCVI
-- Arkansas
-- Louisiana
-- New Mexico
-- Oklahoma
-- Texas

Hours: 8:00 - 4:30
EDST: 9:00 - 5:30

REGION VII

RSA Regional Commissioner
07-6050
Dept. of Education, OSERS
10220 N. Executive Hills
Blvd.
Kansas City, MO 64153-
1367

9-1-816-880-4107
FAX: 9-1-816-891-0807
TDD: 9-1-816-374-6917
RSA BBS USER-ID: RSARCVII
-- Iowa
-- Kansas
-- Nebraska
-- Missouri

Hours: 8:00 - 4:30
EDST: 9:15 - 5:45

REGION VIII

RSA Regional Commissioner
08-7050 Dept. of Ed.,
Federal Office Bldg.
Suite 310
1244 Speer Boulevard
Denver, Co 80204-3582
9-1-303-844-2135
FAX: 9-1-303-844-6269
TDD: 9-1-303-844-2890
RSA BB USER-ID: RSARCVIII
-- Montana
-- N. Dakota
-- S. Dakota
-- Utah
-- Wyoming
-- Colorado

Hours: 7:30 - 4:00
EDST: 9:30 - 6:00

REGION IX

Mr. Gilbert Williams
RSA Regional Commissioner
09-8050
Dept. of Education, OSERS
Federal Office Bldg., Room 215
50 United Nations Plaza
San Francisco, CA 94102
9-1-415-437-7840
FAX: 9-1-415-437-7848
TDD: 9-1-415-556-3323
RSA BBS USER-ID: RSARCIX
-- Arizona
-- Hawaii
-- Nevada
-- Guam
-- American Samoa
-- California
-- CNMI
-- Palau

EDST: 11:00 - 7:30
Hours: 8:00 - 4:30

REGION X

RSA Regional Commissioner
10-9050
Dept. of Education, OSERS
915 Second Avenue, Room
2848
Seattle, WA 98174-1099
9-1-206-220-7840
FAX: 9-1-206-220-7842
TDD: 9-1-206-220-7849
RSA BBS USER-ID: RSARCX
-- Alaska
-- Idaho
-- Oregon
-- Washington

Hours: 8:00 - 4:30
EDST: 11:00 - 7:30

CENTRAL OFFICE DIRECTORY

John Nelson
Branch Chief
Independent Living Branch
Special Projects Division
Office of Developmental
Programs, RSA
330 C St., S.W.,
Room 3326
Washington, DC 20202-2741

TEL: 202-205-9362 (V)(TDD)
FAX: 202-260-9424
RSA BBS USER ID: JNELSON
E-MAIL: john_nelson@ed.gov
Hours: 8:00 - 4:30

Merri Pearson
Program Specialist
Independent Living Branch
Special Projects Division
Office of Developmental
Programs, RSA
330 C St., S.W.,
Room 3316
Washington, DC 20202-2741

TEL: 202-205-8484
FAX: 202-260-9424

E-MAIL: merri_pearson@ed.gov
Hours: 8:00 - 4:30

COMMON QUESTIONS AND ANSWERS

Potential applicants frequently direct questions to officials of the Rehabilitation Services Administration (RSA) regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants, RSA has assembled the following most commonly asked questions.

Q. CAN WE GET AN EXTENSION OF THE DEADLINE?

A. No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the FEDERAL REGISTER and apply to all applications. Waivers for individual applications cannot be granted, regardless of the circumstances.

Q. HOW MANY COPIES OF THE APPLICATION SHOULD I SUBMIT?

A. **An original and four copies are requested (4 copies to the application control center--1 original application to the RSA regional office).** In previous years, fewer copies were required. However, in an effort to make the review process more efficient and effective, RSA has started mailing applications to peer reviewers in advance of the date that the review panel convenes. While this has resulted in better and less costly reviews, it has imposed a significant burden on staff. In order to continue this successful practice, we find it necessary to increase the number of copies required of applicants.

Q. SHOULD THE APPLICATIONS BE BOUND?

A. Leave at least one copy of your application unbound to facilitate any necessary reproduction; use a binder clip or sturdy rubber bands to hold the application together. Applicants should not use foldouts, photographs, or other materials that are hard to duplicate.

Q. WILL YOU HELP US PREPARE OUR APPLICATION?

A. We are happy to provide general program information. Clearly, it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about application requirements, evaluation criteria, and the priorities. Applicants should understand that this previous contact is not required nor does it guarantee the success of an application.

Q. WHEN WILL I FIND OUT IF I'M GOING TO BE FUNDED?

A. You can expect to receive notification within 3 to 6 months from the application closing date, depending on the number of applications received and the number of competitions with closing dates at about the same time.

Q. ONCE MY APPLICATION HAS BEEN REVIEWED BY THE REVIEW PANEL, CAN YOU TELL ME THE OUTCOME?

A. No. Every year we are called by a number of applicants who have legitimate reasons for needing to know the outcome of the review prior to official notification. Some applicants need to make job decisions, some need to notify a State or local rehabilitation program, etc. Regardless of the

reason, because final funding decisions have not been made at that point, we cannot share information about the review with anyone.

Q. HOW LONG SHOULD AN APPLICATION BE?

A. The Department of Education is making a concerted effort to reduce the volume of paperwork associated with program applications. Consequently, **the Secretary strongly requests that applications be limited to:**

- (1) Application forms, budget, and other required forms;
- (2) A narrative body not to exceed 35 double-spaced pages; and
- (3) Necessary appendices.

Your application should provide enough information to allow the review panel to evaluate the significance of the project against the criteria of the competition. It is helpful to include in the appendices such information as:

- (1) Staff qualifications. These should be brief. They should include the person's title and role in the proposed project and contain only information relevant to the proposed project. Qualification of consultants and advisory council members should be provided and be similarly brief. Individual vita should not exceed 2 pages.
- (2) Summary of results of previous evaluations of program effectiveness.

Applicants must understand that applications may be rejected for including superfluous information as well as for not providing required information.

Q. HOW CAN I BE SURE THAT MY APPLICATION IS ASSIGNED TO THE CORRECT COMPETITION?

A. Applicants should clearly indicate in Block 10 of the face page of their application (Standard Form 424) the CFDA number and alpha suffix (e.g., 84.132A) and the title of the program priority of the competition in which the application should be considered. If this information is not provided, your application may inadvertently be assigned and reviewed under a different competition from the one you intended.

Also, ensure that section 12 of Standard Form 424 clearly shows the State and geographic area in which the center is planned to serve. If a center is planning to serve a contiguous area in two States, a separate application must be submitted for each State.

Q. WILL MY APPLICATION BE RETURNED IF I AM NOT FUNDED?

A. We no longer return original copies of unsuccessful applications. Thus, applicants should retain at least one copy of the application. Copies of reviewer comments will be mailed to applicants who are not successful.

Q. HOW SHOULD MY APPLICATION BE ORGANIZED?

- A. The application narrative should be organized to follow the exact sequence of the components in the instructions addressing the selection criteria. A table of contents and a one-page abstract summarizing the project should precede the application narrative.
- Q. IS TRAVEL ALLOWED UNDER THESE PROJECTS?
- A. Travel is an allowable cost. However, all requests for travel will be reviewed diligently; the highest priority for travel will be given for travel directly related to the training or services being provided. As a general rule, travel is seldom approved for attending conferences, except for RSA sponsored conferences that project directors are requested to attend. Training for staff and governing board members will usually be approved for travel to training conducted by the RSA Training and Technical Assistance grantee and to the annual training conference sponsored by the National Council on Independent Living.
- Q. MAY AN APPLICANT OBTAIN COPIES OF SUCCESSFUL, FUNDED APPLICATIONS?
- A. Yes. An applicant may request copies of successful, funded applications. However, budget information, vitae, and other personal information will not be included.
- Q. IS THERE A REQUIRED MATCHING OF FUNDS BY THE APPLICANT?
- A. There is no required match in the part C program; however, a plan for development of resources from other than Title VII of the Act is required as part of a center's workplan.
- Q. IF MY APPLICATION RECEIVES A HIGH SCORE FROM THE REVIEWERS, DOES THAT MEAN THAT I WILL RECEIVE FUNDING?
- A. No. It is often the case that the number of applications scored highly by the reviewers exceeds the dollars available for funding projects under a particular competition. The order of selection, which is based on the scores of the applications and other relevant factors, determines the applications that can be funded.
- Q. WHAT HAPPENS DURING NEGOTIATIONS?
- A. During negotiations technical and budget issues may be raised. These are issues that have been identified during panel and staff review and require clarification. Sometimes issues are stated as "conditions." These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because there is inadequate justification or explanation of a particular budget item, or because the budget item seems unimportant to the successful completion of the project. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be made until all negotiation issues have been resolved. For this competition, RSA will negotiate 5-year budgets with the successful applicants.
- Q. IF MY APPLICATION IS SUCCESSFUL CAN I ASSUME I WILL GET THE PROJECTED BUDGET AMOUNTS IN SUBSEQUENT YEARS?

A. Depending on the availability of funding, a successful applicant can expect at least the amount contained in the approved budget for each year of the project. By requesting detailed budget information in the initial application for the total project period, the need for formal noncompeting continuation applications in the remaining project years will be eliminated. An Annual Performance Report that will be required annually will be used to assess compliance with program standards and to determine eligibility for continued funding.

Q. HOW DO I PROVIDE AN ASSURANCE?

A. Simply state in writing that you are meeting, and intent to continue to meet, a prescribed requirement.

Q. WHERE CAN I OBTAIN COPIES OF THE FEDERAL REGISTER, PROGRAM REGULATIONS, AND FEDERAL STATUTES?

A. Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office (GPO) by writing to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9371. Telephone: (202) 783-3238. Internet users can gain free access the GPO databases with a World Wide Web browser through the Superintendent of Documents' home page at: http://www.access.gpo.gov/su_docs/ or with WAIS client software. Internet users can also telnet to swais.access.gpo.gov then login as guest. Dial-in users should use a modem to call 202-512-1661; type swais and then login as guest.

SECTION D

RULES AND REGULATIONS

PART 364--STATE INDEPENDENT LIVING SERVICES PROGRAM AND CENTERS FOR INDEPENDENT LIVING PROGRAM: GENERAL PROVISIONS

Subpart A--General

Sec.

- 364.1 What programs are covered?
- 364.2 What is the purpose of the programs authorized by Chapter 1 of Title VII?
- 364.3 What regulations apply?
- 364.4 What definitions apply?
- 364.5 What is program income and how may it be used?
- 364.6 What requirements apply to the obligation of Federal funds and program income?

Subpart B--What Are the Application Requirements?

- 364.10 What are the application requirements?
- 364.11 When must the State plan be submitted for approval?
- 364.12 How does the Secretary approve State plans?
- 364.13 Under what circumstances may funds be withheld, reduced, limited, or terminated?

Subpart C--What Are the State Plan Requirements?

- 364.20 What are the general requirements for a State plan?
- 364.21 What are the requirements for the statewide Independent Living Council (SILC)?
- 364.22 What is the State's responsibility for administration of the programs authorized by Chapter 1 of Title VII?
- 364.23 What are the staffing requirements?
- 364.24 What assurances are required for staff development?
- 364.25 What are the requirements for a statewide network of centers for independent living?
- 364.26 What are the requirements for cooperation, coordination, and working relationships?
- 364.27 What are the requirements for coordinating independent living (IL) services?
- 364.28 What requirements relate to IL services for older individuals who are blind?
- 364.29 What are the requirements for coordinating Federal and State sources of funding?
- 364.30 What notice must be given about the Client Assistance Program (CAP)?
- 364.31 What are the affirmative action requirements?
- 364.32 What are the requirements for outreach?
- 364.33 What is required to meet minority needs?
- 364.34 What are the fiscal and accounting requirements?
- 364.35 What records must be maintained?
- 364.36 What are the reporting requirements?
- 364.37 What access to records must be provided?
- 364.38 What methods of evaluation must the State plan include?
- 364.39 What requirements apply to the administration of grants under the Centers for Independent Living program?
- 364.40 Who is eligible to receive IL services?
- 364.41 What assurances must be included regarding eligibility?
- 364.42 What objectives and information must be included in the State plan?
- 364.43 What requirements apply to the provision of State IL services?

Subpart D--What Conditions Must Be Met After an Award?

- 364.50 What requirements apply to the processing of referrals and applications?
- 364.51 What requirements apply to determinations of eligibility or ineligibility?
- 364.52 What are the requirements for an IL plan?

- 364.53 What records must be maintained for the individual?
- 364.54 What are the durational limitations on IL services?
- 364.55 What standards shall service providers meet?
- 364.56 What are the special requirements pertaining to the protection, use, and release of personal information?
- 364.57 What functions and responsibilities may the State delegate?
- 364.58 What appeal procedures must be available to consumers?
- 364.59 May an individual's ability to pay be considered in determining his or her participation in the costs of IL services?

AUTHORITY: 29 U.S.C. 796-796f-5, unless otherwise noted.

Subpart A--General

§364.1 What programs are covered?

(a) This part includes general requirements applicable to the conduct of the following programs authorized under Title VII of the Rehabilitation Act of 1973, as amended:

(1) The State Independent Living Services (SILS) program (34 CFR Part 365).

(2) The Centers for Independent Living (CIL) program (34 CFR Part 366).

(b) Some provisions in this part also are made specifically applicable to the Independent Living Services for Older Individuals Who Are Blind (OIB) program (34 CFR Part 367).

(Authority: 29 U.S.C. 711(c) and 796-796f-5)

§364.2 What is the purpose of the programs authorized by Chapter 1 of Title VII?

The purpose of the SILS and CIL programs authorized by Chapter 1 of Title VII of the Act is to promote a philosophy of independent living (IL), including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, to maximize the leadership, empowerment, independence, and productivity of individuals with significant disabilities, and to promote and maximize the integration and full inclusion of individuals with significant disabilities into the mainstream of American society by providing financial assistance to States--

(a) For providing, expanding, and improving the provision of IL services;

(b) To develop and support statewide networks of centers for independent living (centers); and

(c) For improving working relationships among--

(1) SILS programs;

(2) Centers;

(3) Statewide Independent Living Councils (SILCs) established under section 705 of the Act;

(4) State vocational rehabilitation (VR) programs receiving assistance under Title I and under Part C of Title VI of the Act;

(5) Client assistance programs (CAPs) receiving assistance under section 112 of the Act;

(6) Programs funded under other titles of the Act;

(7) Programs funded under other Federal laws; and

(8) Programs funded through non-Federal sources.

(Authority: 29 U.S.C. 796)

§364.3 What regulations apply?

The following regulations apply to the SILS and CIL programs:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), with respect to grants or subgrants to an eligible agency that is not a State or local government or Indian tribal organization.

(2) 34 CFR Part 75 (Direct Grant Programs), with respect to grants under Subparts B and C of 34 CFR Part 366.

(3) 34 CFR Part 76 (State-Administered Programs), with respect to grants under 34 CFR Part 365 and Subpart D of 34 CFR Part 366.

(4) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(5) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(6) 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), with respect to grants to an eligible agency that is a State or local government or Indian tribal organization.

(7) 34 CFR Part 81 (General Education Provisions Act--Enforcement).

(8) 34 CFR Part 82 (New Restrictions on Lobbying).

(9) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(10) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this Part 364.

(c) The regulations in 34 CFR Parts 365 and 366 as applicable.
(Authority: 29 U.S.C. 711(c))

§364.4 What definitions apply?

(a) Definitions in EDGAR. The following terms used in this part and in 34 CFR Parts 365, 366, and 367 are defined in 34 CFR 77.1:

Applicant
Application
Award
Department
EDGAR
Fiscal year
Nonprofit
Private
Project
Public
Secretary

(b) Other definitions. The following definitions also apply to this part and to 34 CFR Parts 365, 366, and 367:

Act means the Rehabilitation Act of 1973, as amended.

Administrative support services mean assistance to support IL programs and the activities of centers and may include financial and technical assistance in planning, budget development, and evaluation of center activities, and support for financial management (including audits), personnel development, and recordkeeping activities.
(Authority: 29 U.S.C. 796c(c)(2))

Advocacy means pleading an individual's cause or speaking or writing in support of an individual. To the extent permitted by State law or the rules of the agency before which an individual is appearing, a non-lawyer may engage in advocacy on behalf of another individual. Advocacy may--

- (1) Involve representing an individual--
 - (i) Before private entities or organizations, government agencies (whether State, local, or Federal), or in a court of law (whether State or Federal); or
 - (ii) In negotiations or mediation, in formal or informal administrative proceedings before government agencies (whether State, local, or Federal), or in legal proceedings in a court of law; and
- (2) Be on behalf of--
 - (i) A single individual, in which case it is individual advocacy;
 - (ii) A group or class of individuals, in which case it is systems (or systemic) advocacy; or
 - (iii) Oneself, in which case it is self advocacy.

Attendant care means a personal assistance service provided to an individual with significant disabilities in

performing a variety of tasks required to meet essential personal needs in areas such as bathing, communicating, cooking, dressing, eating, homemaking, toileting, and transportation.

(Authority: 20 U.S.C. 706(30)(B)(vi))

Center for independent living means a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency that--

- (1) Is designed and operated within a local community by individuals with disabilities; and
- (2) Provides an array of IL services.

(Authority: 29 U.S.C. 796a(1))

Consumer control means, with respect to a center or eligible agency, that the center or eligible agency vests power and authority in individuals with disabilities, including individuals who are or have been recipients of IL services.

(Authority: 29 U.S.C. 796a(2))

Cross-disability means, with respect to a center, that a center provides IL services to individuals representing a range of significant disabilities and does not require the presence of one or more specific significant disabilities before determining that an individual is eligible for IL services.

(Authority: 29 U.S.C. 796a(1))

Designated State agency or State agency means the sole State agency designated to administer (or supervise local administration of) the State plan for VR services. The term includes the State agency for individuals who are blind, if that agency has been designated as the sole State agency with respect to that part of the State VR plan relating to the vocational rehabilitation of individuals who are blind.

(Authority: 29 U.S.C. 706(3) and 721(a)(1)(A))

Designated State unit means either--

- (1) The State agency or the bureau, division, or other organizational unit within a State agency that is primarily concerned with the vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities and that is responsible for the administration of the VR program of the State agency; or
- (2) The independent State commission, board, or other agency that has the vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities as its primary function.

(Authority: 29 U.S.C. 706(3) and 721(a)(2)(A))

Eligible agency means a consumer-controlled, community-based, cross-disability, nonresidential, private, nonprofit agency.

(Authority: 29 U.S.C. 796f-5)

Independent living core services mean, for purposes of services that are supported under the SILS or CIL programs--

- (1) Information and referral services;
- (2) IL skills training;

(3) Peer counseling, including cross-disability peer counseling; and

(4) Individual and systems advocacy.

(Authority: 29 U.S.C. 706(29))

Independent living services includes the independent living core services and--

(1) Counseling services, including psychological, psychotherapeutic, and related services;

(2) Services related to securing housing or shelter, including services related to community group living, that are supportive of the purposes of the Act, and adaptive housing services, including appropriate accommodations to and modifications of any space used to serve, or to be occupied by, individuals with significant disabilities;

(3) Rehabilitation technology;

(4) Mobility training;

(5) Services and training for individuals with cognitive and sensory disabilities, including life skills training and interpreter and reader services;

(6) Personal assistance services, including attendant care and the training of personnel providing these services;

(7) Surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;

(8) Consumer information programs on rehabilitation and IL services available under the Act, especially for minorities and other individuals with significant disabilities who have traditionally been unserved or underserved by programs under the Act;

(9) Education and training necessary for living in a community and participating in community activities;

(10) Supported living;

(11) Transportation, including referral and assistance for transportation;

(12) Physical rehabilitation;

(13) Therapeutic treatment;

(14) Provision of needed prostheses and other appliances and devices;

(15) Individual and group social and recreational services;

(16) Training to develop skills specifically designed for youths who are individuals with significant disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;

(17) Services for children;

(18) Services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with significant disabilities;

(19) Appropriate preventive services to decrease the need of individuals with significant disabilities assisted under the Act for similar services in the future;

(20) Community awareness programs to enhance the understanding and integration into society of individuals with significant disabilities; and

(21) Any other services that may be necessary to improve the ability of an individual with a significant disability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment and that are not inconsistent with any other provisions of the Act.

(Authority: 29 U.S.C. 796e-2(1))

Individual with a disability means an individual who--

(1) Has a physical, mental, cognitive, or sensory impairment that substantially limits one or more of the individual's major life activities;

(2) Has a record of such an impairment; or

(3) Is regarded as having such an impairment.

(Authority: 29 U.S.C. 706(8)(B))

Individual with a significant disability means an individual with a severe physical, mental, cognitive, or sensory impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of IL services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment.

(Authority: 29 U.S.C. 706(15)(B))

Legally authorized advocate or representative means an individual who is authorized under State law to act or advocate on behalf of another individual. Under certain circumstances, State law permits only an attorney, legal guardian, or individual with a power of attorney to act or advocate on behalf of another individual. In other circumstances, State law may permit other individuals to act or advocate on behalf of another individual.

(Authority: 29 U.S.C. 711(c))

Minority group means Alaskan Natives, American Indians, Asian Americans, Blacks (African Americans), Hispanic Americans, Native Hawaiians, and Pacific Islanders.

Nonresidential means, with respect to a center, that the center, as of October 1, 1994, does not operate or manage housing or shelter for individuals as an IL service on either a temporary or long-term basis unless the housing or shelter is--

(1) Incidental to the overall operation of the center;

(2) Necessary so that the individual may receive an IL service; and

(3) Limited to a period not to exceed eight weeks during any six-month period.

(Authority: 29 U.S.C. 796a, 796f-1(f) and 706f-2(f))

Peer relationships mean relationships involving mutual support and assistance among individuals with significant disabilities who are actively pursuing IL goals.

Peer role models mean individuals with significant disabilities whose achievements can serve as a positive example for other individuals with significant disabilities.

Personal assistance services mean a range of IL services, provided by one or more persons, designed to assist an individual with a significant disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. These IL services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(Authority: 29 U.S.C. 706(11))

Service provider means--

(1) A DSU that directly provides IL services to individuals with significant disabilities;

(2) A center that receives financial assistance under Parts B or C of Chapter 1 of Title VII of the Act; or

(3) Any other entity or individual that meets the requirements of §364.43(e) and provides IL services under a grant or contract from the DSU pursuant to §364.43(b).

(Authority: 29 U.S.C. 711(c) and 796(e))

Significant disability means a severe physical, mental, cognitive, or sensory impairment that substantially limits an individual's ability to function independently in the family or community or to obtain, maintain, or advance in employment.

State means, except for sections 711(a)(2)(A) and 721(c)(2)(A) and where otherwise specified in the Act, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect).

(Authority: 29 U.S.C. 706(16))

State plan means the State IL plan required under section 704 of Title VII of the Act.

Transportation means travel and related expenses that are necessary to enable an individual with a significant disability to benefit from another IL service and travel and related expenses for an attendant or aide if the services of that attendant or aide are necessary to enable an individual with a significant disability to benefit from that IL service.

(Authority: 29 U.S.C. 706(30)(B)(xi) and 711(c))

Unserved and underserved groups or populations, with respect to groups or populations of individuals with significant disabilities in a State, include, but are not limited to, groups or populations of individuals with significant disabilities who--

(1) Have cognitive and sensory impairments;

(2) Are members of racial and ethnic minority groups;

(3) Live in rural areas; or

(4) Have been identified by the eligible agency as unserved or underserved within a center's project area.
(Authority: 29 U.S.C. 706, 711(c), and 796f-796f-5)

§364.5 What is program income and how may it be used?

(a) Definition. Program income means gross income received by a grantee under Title VII of the Act that is directly generated by an activity supported under 34 CFR Part 365, 366, or 367.

(b) Sources. Sources of program income include, but are not limited to, payments received from workers' compensation funds or fees for services to defray part or all of the costs of services provided to particular consumers.

(c) Use of program income. (1) Program income, whenever earned, must be used for the provision of IL services or the administration of the State plan, as appropriate.

(2) A service provider is authorized to treat program income as--

(i) A deduction from total allowable costs charged to a Federal grant, in accordance with 34 CFR 80.25(g)(1); or

(ii) An addition to the grant funds to be used for additional allowable program expenditures, in accordance with 34 CFR 80.25(g)(2).

(3) Program income may not be used to meet the non-Federal share requirement under 34 CFR 365.12(b).

(Authority: 29 U.S.C. 711(c); 34 CFR 80.25)

§364.6 What requirements apply to the obligation of Federal funds and program income?

(a) Except as provided in paragraph (b) of this section, any Federal funds, including reallocated funds, that are appropriated for a fiscal year to carry out a program under 34 CFR Part 365, 366, or 367 that are not obligated or expended by the DSU or center prior to the beginning of the succeeding fiscal year, and any program income received during a fiscal year that is not obligated or expended by the DSU or center prior to the beginning of the succeeding fiscal year in which the program income was received, remain available for obligation and expenditure by the DSU or center during that succeeding fiscal year.

(b) Federal funds appropriated for a fiscal year under Part B of Chapter 1 and under Chapter 2 of Title VII of the Act remain available for obligation in the succeeding fiscal year only to the extent that the DSU complied with any matching requirement by obligating, in accordance with 34 CFR 76.707, the non-Federal share in the fiscal year for which the funds were appropriated.

(Authority: 29 U.S.C. 718)

Subpart B--What Are the Application Requirements?

§364.10 What are the application requirements?

To receive a grant from a State's allotment of funds under Parts B and C of Chapter 1 of Title VII of the Act and 34 CFR Parts 365 and 366, a State shall submit to the Secretary, and obtain approval of, a three-year State plan meeting the requirements in Subpart C of this part.
(Authority: 29 U.S.C. 796c(a)(1))

§364.11 When must the State plan be submitted for approval?

The designated State unit (DSU) shall submit to the Secretary for approval the three-year State plan no later than July 1 of the year preceding the first fiscal year of the three-year period for which the State plan is submitted.
(Authority: 29 U.S.C. 796c(a)(4))

§364.12 How does the Secretary approve State plans?

(a) General. The Secretary approves a State plan that the Secretary determines meets the requirements of section 704 of the Act and Subparts B through D of this part and disapproves a plan that does not meet these requirements.

(b) Informal resolution. If the Secretary intends to disapprove the State plan, the Secretary attempts to resolve disputed issues informally with State officials.

(c) Notice of formal hearing. If, after reasonable effort has been made to resolve the dispute informally, no resolution has been reached, the Secretary provides written notice to the DSU and the SILC of the intention to disapprove the State plan and of the opportunity for a hearing.

(d) Hearing. (1) If the DSU requests a hearing, the Secretary designates one or more individuals, either from the Department or elsewhere, not responsible for or connected with the Department's administration of the programs authorized by Title VII of the Act, to conduct a hearing.

(2) If more than one individual is designated, the Secretary designates one of those individuals as the Chief Hearing Official of the Hearing Panel. If one individual is designated, that individual is the Hearing Official.

(e) Judicial review. A State may appeal the Secretary's decision to disapprove its State plan by filing a petition for review with the U.S. Court of Appeals for the circuit in which the State is located, in accordance with section 107(d) of the Act.

(Authority: 29 U.S.C. 711(c) and 796d-1(a))

§364.13 Under what circumstances may funds be withheld, reduced, limited, or terminated?

(a) When withheld, reduced, limited, or terminated. Payments to a State under Chapter 1 of Title VII of the Act may be withheld, reduced, limited, or terminated as provided by section 107(c) of the Act if the Secretary finds that--

(1) The State plan has been so changed that it no longer conforms with the requirements of section 704 of the Act; or

(2) In the administration of the State plan, there is a failure to comply substantially with any provision of the plan.

(b) Informal resolution. If the Secretary intends to withhold, reduce, limit, or terminate payment of funds to a State under Title VII of the Act as provided by section 107(c) of the Act, the Secretary attempts to resolve disputed issues informally with State officials.

(c) Notice of formal hearing. If, after reasonable effort has been made to resolve the dispute informally, no resolution has been reached, the Secretary provides written notice to the DSU and SILC of the intention to withhold, reduce, limit, or terminate payment of funds under Title VII of the Act and of the opportunity for a hearing.

(d) Hearing. If the DSU requests a hearing, the Secretary designates an administrative law judge (ALJ) in the Office of Administrative Law Judges to conduct a hearing in accordance with the provisions of 34 CFR Part 81, Subpart A.

(e) Initial decision. The ALJ issues an initial decision in accordance with 34 CFR 81.41.

(f) Petition for review of an initial decision. The DSU may seek the Secretary's review of an ALJ's initial decision in accordance with 34 CFR 81.42.

(g) Review by the Secretary. The Secretary reviews an ALJ's initial decision in accordance with 34 CFR 81.43.

(h) Final decision of the Department. The ALJ's initial decision becomes the final decision of the Department in accordance with 34 CFR 81.44.

(i) Judicial review. A State may appeal the Secretary's final decision to withhold, reduce, limit, or terminate payment of funds to a State under Title VII of the Act by filing a petition for review with the U.S. Court of Appeals for the circuit in which the State is located, in accordance with section 107(d) of the Act.

(Authority: 29 U.S.C. 727(c)-(d) and 796d-1(a))

Subpart C--What Are the State Plan Requirements?

§364.20 What are the general requirements for a State plan?

(a) Form and content. The State plan must contain, in the form prescribed by the Secretary, the information required by this part and any other information requested by the Secretary.

(b) Duration. (1) The State plan must cover a three-year period and must be amended whenever necessary to reflect any material change in State law, organization, policy, or agency operations that affects the administration of the State plan.

(2) The Secretary may require a State to submit an interim State plan for a period of less than three years following a reauthorization of the Act and prior to the effective date of final regulations.

(c) Joint development-single agency. The State plan must be jointly--

(1) Developed by the DSU and the SILC; and

(2) Signed by the--

(i) Director of the DSU (Director); and

(ii) Chairperson of the SILC, acting on behalf of and at the direction of the SILC.

(d) Joint development-separate agency for individuals who are blind. If a separate State agency is authorized by State law as the sole State agency with authority to administer or supervise the administration of that part of the State plan relating to the vocational rehabilitation of individuals who are blind, the State plan must be jointly--

(1) Developed by the DSU, the SILC, and the separate State agency authorized to provide VR services for individuals who are blind; and

(2) Signed by the--

(i) Director;

(ii) Director of the separate State agency authorized to provide VR services for individuals who are blind; and

(iii) Chairperson of the SILC, acting on behalf of and at the direction of the SILC.

(Cross-reference: See §364.22(c).)

(e) The State plan must assure that, as appropriate, the DSU and SILC actively consult in the development of the State plan with the Director of the CAP authorized under section 112 of the Act.

(f) Periodic review and revision. The State plan must provide for the review and revision of the plan, at least once every three years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, the needs in the State for--

(1) Providing State IL services;

(2) Developing and supporting a statewide network of centers; and

(3) Working relationships between--

(i) Programs providing IL services and supporting or establishing centers; and

(ii) The VR program established under Title I of the Act, and other programs providing services for individuals with disabilities.

(g) Public hearings. (1) The State plan must assure that the DSU and SILC conduct public meetings to provide all

segments of the public, including interested groups, organizations, and individuals, an opportunity to comment on the State plan prior to its submission to the Secretary and on any revisions to the approved State plan. The DSU and SILC may meet the public participation requirement by holding the public meetings before a preliminary draft State plan is prepared or by providing a preliminary draft State plan for comment at the public meetings.

(2) The State plan must assure that the DSU and SILC establish and maintain a written description of procedures for conducting public meetings in accordance with the following requirements:

(i) The DSU and SILC shall provide appropriate and sufficient notice of the public meetings. Appropriate and sufficient notice means notice provided at least 30 days prior to the public meeting through various media available to the general public, such as newspapers and public service announcements, and through specific contacts with appropriate constituency groups and organizations identified by the DSU and SILC.

(ii) The DSU and SILC shall make reasonable accommodation to individuals with disabilities who rely on alternative modes of communication in the conduct of the public meetings, including providing sign language interpreters and audio-loops.

(iii) The DSU and SILC shall provide the notices of the public meetings, any written material provided prior to or at the public meetings, and the approved State plan in accessible formats for individuals who rely on alternative modes of communication.

(h) The State plan must assure that, at the public meetings to develop the State plan, the DSU and SILC identify those provisions in the State plan that are State-imposed requirements. For purposes of this section, a State-imposed requirement includes any State law, regulation, rule, or policy relating to the DSU's administration or operation of IL programs under Title VII of the Act, including any rule or policy implementing any Federal law, regulation, or guideline, that is beyond what would be required to comply with the regulations in 34 CFR Parts 364, 365, 366, and 367.

(i) The State plan also must address how the specific requirements in §§364.21 through 364.43 and in §§364.56 and 364.59 will be met.

(Authority: 29 U.S.C. 711(c) and 796c(a) and (m)(6))

§364.21 What are the requirements for the Statewide Independent Living Council (SILC)?

(a) Establishment. (1) To be eligible to receive assistance under Chapter 1 of Title VII of the Act, each State shall establish a SILC that meets the requirements of section 705 of the Act.

(2) The SILC may not be established as an entity within a State agency, including the designated State agency or DSU. The SILC shall be independent of the DSU and all other State agencies.

(b) Appointment and composition. (1) Appointment. Members of the SILC must be appointed by the Governor or the appropriate entity within the State responsible, in accordance with State law, for making appointments.

(2) Composition. (i) The SILC must include--

(A) At least one director of a center chosen by the directors of centers within the State; and

(B) As ex officio, nonvoting members, a representative from the DSU and representatives from other State agencies that provide services to individuals with disabilities.

(ii) The SILC may include--

(A) Other representatives from centers;

(B) Parents and legal guardians of individuals with disabilities;

(C) Advocates of and for individuals with disabilities;

(D) Representatives from private businesses;

(E) Representatives from organizations that provide services for individuals with disabilities; and

(F) Other appropriate individuals.

(iii) A majority of the members of the SILC must be individuals with disabilities, as defined in §364.4(b), and not employed by any State agency or center.

(c) Qualifications. The SILC must be composed of members--

(1) Who provide statewide representation;

(2) Who represent a broad range of individuals with disabilities; and

(3) Who are knowledgeable about centers and IL services.

(d) Voting members. A majority of the voting members of the SILC must be individuals with disabilities, as defined in §364.4(b), and not employed by any State agency or center.

(e) Chairperson. (1) In general. Except as provided in paragraph (e)(2) of this section, the SILC shall select a chairperson from among the voting membership of the SILC.

(2) Designation by Governor. In States in which the Governor does not have veto power pursuant to State law, the Governor shall designate a voting member of the SILC to serve as the chairperson of the SILC or shall require the SILC to so designate a voting member.

(f) Terms of appointment. Each member of the SILC shall serve for term of three years, except that--

(1) A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed must be appointed for the remainder of that term;

(2) The terms of service of the members initially appointed must be (as specified by the appointing authority)

for the fewer number of years as will provide for the expiration of terms on a staggered basis; and

(3) No member of the SILC may serve for more than two consecutive full terms.

(g) Duties. The SILC shall--

(1) Jointly develop and sign (in conjunction with the DSU) the State plan required by section 704 of the Act and §364.20;

(2) Monitor, review, and evaluate the implementation of the State plan;

(3) Coordinate activities with the State Rehabilitation Advisory Council established under section 105 of the Act and councils that address the needs of specific disability populations and issues under other Federal law;

(4) Ensure that all regularly scheduled meetings of the SILC are open to the public and sufficient advance notice is provided; and

(5) Submit to the Secretary all periodic reports as the Secretary may reasonably request and keep all records, and afford access to all records, as the Secretary finds necessary to verify the periodic reports.

(h) Hearings. The SILC is authorized to hold any hearings and forums that the SILC determines to be necessary to carry out its duties.

(i) Resource plan. (1) The SILC shall prepare, in conjunction with the DSU, a resource plan for the provision of resources, including staff and personnel, made available under Parts B and C of Chapter 1 of Title VII of the Act, Part C of Title I of the Act, and from other public and private sources that may be necessary to carry out the functions of the SILC under this part.

(2) The SILC's resource plan must, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the State plan.

(3) No conditions or requirements may be included in the SILC's resource plan that may compromise the independence of the SILC.

(4) The SILC is responsible for the proper expenditure of funds and use of resources that it receives under the resource plan.

(5) A description of the SILC's resource plan required by paragraph (i)(1) of this section must be included in the State plan.

(j) Staff. (1) The SILC shall, consistent with State law, supervise and evaluate its staff and other personnel as may be necessary to carry out its functions under this section.

(2) While assisting the SILC in carrying out its duties, staff and other personnel made available to the SILC by the DSU may not be assigned duties by the designated State agency or DSU, or any other agency or office of the State, that would create a conflict of interest.

(k) Reimbursement and compensation. The SILC may use the resources described in paragraph (i) of this section

to reimburse members of the SILC for reasonable and necessary expenses of attending SILC meetings and performing SILC duties (including child care and personal assistance services) and to pay compensation to a member of the SILC, if the member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing SILC duties.

(l) Conflict of interest. The code of conduct provisions in 34 CFR 74.162 and the conflict of interest provisions in 34 CFR 75.524 and 75.525 apply to members of the SILC. For purposes of this paragraph and 34 CFR 74.162, 75.524, and 75.525, a SILC is not considered a government, governmental entity, or governmental recipient.

(Authority: 29 U.S.C. 796d)

§364.22 What is the State's responsibility for administration of the programs authorized by Chapter 1 of Title VII?

(a) General. The State plan must identify the DSU as the entity that, on behalf of the State, shall--

(1) Receive, account for, and disburse funds received by the State under Part B of Chapter 1 and section 723 of Title VII of the Act (and 34 CFR Parts 365 and 366, as applicable) based on the plan;

(2) Provide, as applicable, administrative support services for the SILS and CIL programs under Part B of Chapter 1 and section 723 of Title VII of the Act, respectively, and 34 CFR Parts 365 and 366, respectively;

(3) Keep records and afford access to these records as the Secretary finds to be necessary with respect to the SILS and CIL programs; and

(4) Submit additional information or provide assurances as the Secretary may require with respect to the SILS and CIL programs.

(b) Provision of administrative support services. The State plan must describe the administrative support services to be provided by the DSU under paragraph (a)(2) of this section.

(c) Designation of State unit for individuals who are blind. The State plan may designate a State agency or the organizational unit of a State agency that is authorized under State law to provide VR services to individuals who are blind under a State VR plan as the DSU to administer that part of the State IL plan under which IL services are provided to individuals who are blind. However, a State agency designated pursuant to this paragraph may not submit a separate State plan.

(Authority: 29 U.S.C. 796c(c))

§364.23 What are the staffing requirements?

(a) General staffing requirement. The State plan must assure that the staff of the service provider includes personnel who are specialists in the development and provision of IL services and in the development and support of centers.

(b) Alternative communication needs staffing. The State plan must also assure that, to the maximum extent feasible, the service provider makes available personnel able to communicate--

(1) With individuals with significant disabilities who rely on alternative modes of communication, such as manual communication, nonverbal communication devices, Braille, or audio tapes, and who apply for or receive IL services under Title VII of the Act; and

(2) In the native languages of individuals with significant disabilities whose English proficiency is limited and who apply for or receive IL services under Title VII of the Act.

(Authority: 29 U.S.C. 711(c) and 796c(a)(1))

§364.24 What assurances are required for staff development?

The State plan must assure that the service provider establishes and maintains a program of staff development for all classes of positions involved in providing IL services and, if appropriate, in administering the CIL program. The staff development program must emphasize improving the skills of staff directly responsible for the provision of IL services, including knowledge of and practice in the IL philosophy.

(Authority: 29 U.S.C. 711(c) and 796c(a)(1))

§364.25 What are the requirements for a statewide network of centers for independent living?

(a) The State plan must include a design for the establishment of a statewide network of centers that comply with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of 34 CFR Part 366.

(b) The design required by paragraph (a) of this section must identify unserved and underserved areas and must provide an order of priority for serving these areas.

(Authority: 29 U.S.C. 711(c) and 796c(g))

§364.26 What are the requirements for cooperation, coordination, and working relationships?

(a) The State plan must include steps that will be taken to maximize the cooperation, coordination, and working relationships among--

(1) The SILS program, the SILC, and centers; and

(2) The DSU, other State agencies represented on the SILC, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the SILC.

(b) The State plan must identify the entities to which the DSU and the SILC will relate in carrying out the requirements of paragraph (a) of this section.

(Authority: 29 U.S.C. 796c(i))

§364.27 What are the requirements for coordinating independent living (IL) services?

The State plan must describe how IL services funded under Chapter 1 of Title VII of the Act will be coordinated with, and complement, other services, to avoid unnecessary duplication with other Federal, State, and local programs, including the OIB program authorized by Chapter 2 of Title VII of the Act, that provide IL- or VR-related services. This description must include those services provided by State and local agencies administering the special education, vocational education, developmental disabilities services, public health, mental health, housing, transportation, and veterans' programs, and the programs authorized under Titles XVIII through XX of the Social Security Act within the State.

(Authority: 29 U.S.C. 796c(j) and 752(i)(2)(C))

§364.28 What requirements relate to IL services for older individuals who are blind?

The State plan must include an assurance that the DSU will seek to incorporate into and describe in the State plan any new methods or approaches for the provision to older individuals who are blind of IL services that are developed under a project funded under Chapter 2 of Title VII of the Act and that the DSU determines to be effective.

(Authority: 29 U.S.C. 711(c), 796c(j), and 796k(h))

§364.29 What are the requirements for coordinating Federal and State sources of funding?

(a) The State plan must describe efforts to coordinate Federal and State funding for centers and IL services.

(b) The State plan must identify the amounts, sources, and purposes of the funding to be coordinated under paragraph (a) of this section, including the amount of State funds earmarked for the general operation of centers.

(Authority: 29 U.S.C. 796c(k))

Cross-reference: See 34 CFR 366.30(a).

§364.30 What notice must be given about the Client Assistance Program (CAP)?

The State plan must include satisfactory assurances that all service providers will use formats that are accessible to notify individuals seeking or receiving IL services under Chapter 1 of Title VII about--

(a) The availability of the CAP authorized by section 112 of the Act;

(b) The purposes of the services provided under the CAP; and

(c) How to contact the CAP.
(Authority: 29 U.S.C. 718a and 796c(m)(1))

§364.31 What are the affirmative action requirements?

The State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will take affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act.

(Authority: 29 U.S.C. 796c(m)(2))

§364.32 What are the requirements for outreach?

(a) With respect to IL services and centers funded under Chapter 1 of Title VII of the Act, the State plan must include steps to be taken regarding outreach to populations in the State that are unserved or underserved by programs under Title VII, including minority groups and urban and rural populations.

(b) The State plan must identify the populations to be designated for targeted outreach efforts under paragraph (a) of this section and the geographic areas (i.e., communities) in which they reside.

(Authority: 29 U.S.C. 796c(l))

§364.33 What is required to meet minority needs?

The State plan must demonstrate how the State will address the needs of individuals with significant disabilities from minority group backgrounds.

(Authority: 29 U.S.C. 711(c), 718b(b), and 796c(l))

§364.34 What are the fiscal and accounting requirements?

In addition to complying with applicable EDGAR fiscal and accounting requirements, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will adopt those fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for those funds.

(Authority: 29 U.S.C. 796c(m)(3))

§364.35 What records must be maintained?

In addition to complying with applicable EDGAR record-keeping requirements, the State plan must include satisfactory assurances that all recipients of financial

assistance under Parts B and C of Chapter 1 of Title VII of the Act will maintain--

- (a) Records that fully disclose and document--
 - (1) The amount and disposition by the recipient of that financial assistance;
 - (2) The total cost of the project or undertaking in connection with which the financial assistance is given or used;
 - (3) The amount of that portion of the cost of the project or undertaking supplied by other sources; and
 - (4) Compliance with the requirements of Chapter 1 of Title VII of the Act and this part; and
 - (b) Other records that the Secretary determines to be appropriate to facilitate an effective audit.
- (Authority: 29 U.S.C. 796c(m)(4))

§364.36 What are the reporting requirements?

With respect to the records that are required by §364.35, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 of Title VII of the Act will submit reports that the Secretary determines to be appropriate.

(Authority: 29 U.S.C. 796c(m)(4)(D))

§364.37 What access to records must be provided?

For the purpose of conducting audits, examinations, and compliance reviews, the State plan must include satisfactory assurances that all recipients of financial assistance under Parts B and C of Chapter 1 and Chapter 2 of Title VII of the Act will provide access to the Secretary and the Comptroller General, or any of their duly authorized representatives, to--

- (a) The records maintained under §364.35;
 - (b) Any other books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under Chapter 1 of Title VII of the Act; and
 - (c) All individual case records or files or consumer service records of individuals served under 34 CFR Parts 365, 366, or 367, including names, addresses, photographs, and records of evaluation included in those individual case records or files or consumer service records.
- (Authority: 29 U.S.C. 711(c) and 796c(m)(4)(c) and (5))

§364.38 What methods of evaluation must the State plan include?

The State plan must establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in §364.42, including evaluation of

satisfaction by individuals with significant disabilities who have participated in the program.

(Authority: 29 U.S.C. 796c(n))

§364.39 What requirements apply to the administration of grants under the Centers for Independent Living program?

In States in which State funding for centers equals or exceeds the amount of funds allotted to the State under Part C of Title VII of the Act, as determined pursuant to 34 CFR 366.29 and 366.31, and in which the State elects to administer the CIL program as provided in section 723 of the Act, the State plan must include policies, practices, and procedures, including the order of priorities that the State may establish pursuant to 34 CFR 366.34(a), that are consistent with section 723 of the Act to govern the awarding of grants to centers and the oversight of these centers.

(Authority: 29 U.S.C. 796c(g) and (h), 796f-1(d), and 796f-2(d)).

§364.40 Who is eligible to receive IL services?

The State plan must assure that--

- (a) Any individual with a significant disability, as defined in §364.4(b), is eligible for IL services under the SILS and CIL programs authorized under Chapter 1 of Title VII of the Act;
- (b) Any individual may seek information about IL services under these programs and request referral to other services and programs for individuals with significant disabilities, as appropriate; and
- (c) The determination of an individual's eligibility for IL services under the SILS and CIL programs meets the requirements of §364.51.

(Authority: 29 U.S.C. 706(15)(B) and 796b)

§364.41 What assurances must be included regarding eligibility?

(a) The State plan must assure that the service provider applies eligibility requirements without regard to age, color, creed, gender, national origin, race, religion, or type of significant disability of the individual applying for IL services.

(b) The State plan must assure that the service provider does not impose any State or local residence requirement that excludes under the plan any individual who is present in the State and who is otherwise eligible for IL services from receiving IL services.

(Authority: 29 U.S.C. 711(c) and 796c(a)(1))

§364.42 What objectives and information must be included in the State plan?

- (a) The State plan must specifically describe--
- (1) The objectives to be achieved;
 - (2) The financial plan for the use of Federal and non-Federal funds to meet these objectives. The financial plan must identify the source and amounts of other Federal and non-Federal funds to be used to meet these objectives; and
 - (3) How funds received under sections 711, 721, and 752 of the Act will further these objectives.
- (b) The objectives required by paragraph (a) of this section must address--
- (1) The overall goals and mission of the State's IL programs and services;
 - (2) The various priorities for the types of services and populations to be served; and
 - (3) The types of services to be provided.
- (c) In developing the objectives required by paragraph (a) of this section, the DSU and the SILC shall consider, and incorporate if appropriate, the priorities and objectives established by centers pursuant to section 725(c)(4) of the Act.
- (d) The State plan must establish timeframes for the achievement of the objectives required by paragraph (a) of this section.
- (e) The State plan must explain how the objectives required by paragraph (a) of this section are consistent with and further the purpose of Chapter 1 of Title VII of the Act, as stated in section 701 of the Act and §364.2.
- (Authority: 29 U.S.C. 796c(d))

§364.43 What requirements apply to the provision of State IL services?

- (a) The State plan must describe the extent and scope of IL services to be provided under Title VII of the Act to meet the objectives stated in §364.42.
- (b) The State plan must provide that the State directly, or through grants or contracts, will provide IL services with Federal, State, or other funds.
- (c) Unless the individual signs a waiver stating that an IL plan is unnecessary, IL services provided to individuals with significant disabilities must be in accordance with an IL plan that meets the requirements of §364.52 and that is mutually agreed upon by--
- (1) An appropriate staff member of the service provider; and
 - (2) The individual.
- (d) If the State provides the IL services that it is required to provide by paragraph (b) of this section through grants or contracts with third parties, the State plan must describe these arrangements.

- (e) If the State contracts with or awards a grant to a center for the general operation of the center, the State shall delegate to the center the determination of an individual's eligibility for services from that center. If the State contracts with or awards a grant to a third party to provide specific IL services, the State may choose to delegate to the IL service provider the determination of eligibility for these services and the development of an IL plan for individuals who receive these services.
- (Authority: 29 U.S.C. 711(c), 796c(e)-(f), and 796f-4(b)(2))
- Cross-reference: See 34 CFR Part 365.
- Subpart D--What Conditions Must Be Met After an Award?

§364.50 What requirements apply to the processing of referrals and applications?

The service provider shall apply the standards and procedures established by the DSU pursuant to 34 CFR 365.30 to ensure expeditious and equitable handling of referrals and applications for IL services from individuals with significant disabilities.

(Authority: 29 U.S.C. 711(c) and 796-796f-5)

§364.51 What requirements apply to determinations of eligibility or ineligibility?

- (a) Eligibility. (1) Before or at the same time as an applicant for IL services may begin receiving IL services funded under this part, the service provider shall determine the applicant's eligibility and maintain documentation that the applicant has met the basic requirements specified in §364.40.
- (2) The documentation must be dated and signed by an appropriate staff member of the service provider.
- (b) Ineligibility. (1) If a determination is made that an applicant for IL services is not an individual with a significant disability, the service provider shall provide documentation of the ineligibility determination that is dated and signed by an appropriate staff member.
- (2)(i) The service provider may determine an applicant to be ineligible for IL services only after full consultation with the applicant or, if the applicant chooses, the applicant's parent, guardian, or other legally authorized advocate or representative, or after providing a clear opportunity for this consultation.
- (ii) The service provider shall notify the applicant in writing of the action taken and inform the applicant or, if the applicant chooses, the applicant's parent, guardian, or other legally authorized advocate or representative, of the applicant's rights and the means by which the applicant may appeal the action taken.
- (Cross-reference: See §364.58(a).)
- (iii) The service provider shall provide a detailed explanation of the availability and purposes of the CAP

established within the State under section 112 of the Act, including information on how to contact the program.

(iv) If appropriate, the service provider shall refer the applicant to other agencies and facilities, including the State's VR program under 34 CFR Part 361.

(c) Review of ineligibility determination. (1) If an applicant for IL services has been found ineligible, the service provider shall review the applicant's ineligibility at least once within 12 months after the ineligibility determination has been made and whenever the service provider determines that the applicant's status has materially changed.

(2) The review need not be conducted in situations where the applicant has refused the review, the applicant is no longer present in the State, or the applicant's whereabouts are unknown.

(Authority: 29 U.S.C. 711(c) and 796c(e))

§364.52 What are the requirements for an IL plan?

(a) General. (1) Unless the individual who is to be provided IL services under this part signs a waiver in accordance with paragraph (a)(2) of this section, the service provider, in collaboration with the individual with a significant disability, shall develop and periodically review an IL plan for the individual in accordance with the requirements in §364.43(c) and paragraphs (b) through (e) of this section.

(2) The requirements of this section with respect to an IL plan do not apply if the individual knowingly and voluntarily signs a waiver stating that an IL plan is unnecessary.

(3) Subject to paragraph (a)(2) of this section, the service provider shall provide each IL service in accordance with the IL plan.

(b) Initiation and development of an IL plan.

(1) Development of an individual's IL plan must be initiated after documentation of eligibility under §364.51(a) and must indicate the goals or objectives established, the services to be provided, and the anticipated duration of the service program and each component service.

(2) The IL plan must be developed jointly and signed by the appropriate staff member of the service provider and the individual with a significant disability or, if consistent with State law and the individual chooses, the individual's guardian, parent, or other legally authorized advocate or representative.

(3) A copy of the IL plan, and any amendments, must be provided in an accessible format to the individual with a significant disability or, if consistent with State law and the individual chooses, the individual's guardian, parent, or other legally authorized advocate or representative.

(c) Review. (1) The IL plan must be reviewed as often as necessary but at least on an annual basis to determine whether services should be continued, modified, or discontinued, or whether the individual should be referred to a

program of VR services under 34 CFR Part 361 or to any other program of assistance.

(2) Each individual with a significant disability or, if consistent with State law and the individual chooses, the individual's guardian, parent, or other legally authorized advocate or representative, must be given an opportunity to review the IL plan and, if necessary, jointly redevelop and agree by signature to its terms.

(d) Coordination with vocational rehabilitation, developmental disabilities, and special education programs. The development of the IL plan and the provision of IL services must be coordinated to the maximum extent possible with any individualized--

(1) Written rehabilitation program for VR services for that individual;

(2) Habilitation program for the individual prepared under the Developmental Disabilities Assistance and Bill of Rights Act; and

(3) Education program for the individual prepared under Part B of the Individuals with Disabilities Education Act.

(e) Termination of services. If the service provider intends to terminate services to an individual receiving IL services under an IL plan, the service provider shall follow the procedures in §364.51(b)(2)(ii) through (iv) and (c). (Authority: 29 U.S.C. 711(c) and 796c(e) and (j))

§364.53 What records must be maintained for the individual?

For each applicant for IL services and for each individual receiving IL services, the service provider shall maintain a consumer service record that includes--

(a) Documentation concerning eligibility or ineligibility for services;

(b) The services requested by the consumer;

(c) Either the IL plan developed with the consumer or a waiver signed by the consumer stating that an IL plan is unnecessary;

(d) The services actually provided to the consumer; and

(e) The IL goals or objectives--

(1) Established with the consumer, whether or not in the consumer's IL plan; and

(2) Achieved by the consumer.

(f) A consumer service record may be maintained either electronically or in written form, except that the IL plan and waiver must be in writing.

(Authority: 29 U.S.C. 711(c), 712 and 796c(m)(4)(B))

§364.54 What are the durational limitations on IL services?

The service provider may not impose any uniform durational limitations on the provision of IL services, except as otherwise provided by Federal law or regulation.
(Authority: 29 U.S.C. 711(c) and 796-796f-5)

§364.55 What standards shall service providers meet?

In providing IL services to individuals with significant disabilities, service providers shall comply with--

- (a) The written standards for IL service providers established by the DSU pursuant to 34 CFR 365.31; and
- (b) All applicable State or Federal licensure or certification requirements.

(Authority: 29 U.S.C. 711(c) and 796-796f-5)

§364.56 What are the special requirements pertaining to the protection, use, and release of personal information?

(a) General provisions. The State plan must assure that each service provider will adopt and implement policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names. These policies and procedures must assure that--

(1) Specific safeguards protect current and stored personal information;

(2) All applicants for, or recipients of, IL services and, as appropriate, those individuals' legally authorized representatives, service providers, cooperating agencies, and interested persons are informed of the confidentiality of personal information and the conditions for gaining access to and releasing this information;

(3) All applicants or their legally authorized representatives are informed about the service provider's need to collect personal information and the policies governing its use, including--

(i) Identification of the authority under which information is collected;

(ii) Explanation of the principal purposes for which the service provider intends to use or release the information;

(iii) Explanation of whether providing requested information to the service provider is mandatory or voluntary and the effects to the individual of not providing requested information;

(iv) Identification of those situations in which the service provider requires or does not require informed written consent of the individual or his or her legally authorized representative before information may be released; and

(v) Identification of other agencies to which information is routinely released;

(4) Persons who are unable to communicate in English or who rely on alternative modes of communication must be

provided an explanation of service provider policies and procedures affecting personal information through methods that can be adequately understood by them;

(5) At least the same protections are provided to individuals with significant disabilities as provided by State laws and regulations; and

(6) Access to records is governed by rules established by the service provider and any fees charged for copies of records are reasonable and cover only extraordinary costs of duplication or making extensive searches.

(b) Service provider use. All personal information in the possession of the service provider may be used only for the purposes directly connected with the provision of IL services and the administration of the IL program under which IL services are provided. Information containing identifiable personal information may not be shared with advisory or other bodies that do not have official responsibility for the provision of IL services or the administration of the IL program under which IL services are provided. In the provision of IL services or the administration of the IL program under which IL services are provided, the service provider may obtain personal information from other service providers and cooperating agencies under assurances that the information may not be further divulged, except as provided under paragraphs (c), (d), and (e) of this section.

(c) Release to recipients of IL services. (1) Except as provided in paragraphs (c)(2) and (c)(3) of this section, if requested in writing by a recipient of IL services, the service provider shall release all information in that individual's record of services to the individual or the individual's legally authorized representative in a timely manner.

(2) Medical, psychological, or other information that the service provider determines may be harmful to the individual may not be released directly to the individual, but must be provided through a qualified medical or psychological professional or the individual's legally authorized representative.

(3) If personal information has been obtained from another agency or organization, it may be released only by, or under the conditions established by, the other agency or organization.

(d) Release for audit, evaluation, and research. Personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research activities only for purposes directly connected with the administration of an IL program, or for purposes that would significantly improve the quality of life for individuals with significant disabilities and only if the organization, agency, or individual assures that--

(1) The information will be used only for the purposes for which it is being provided;

(2) The information will be released only to persons officially connected with the audit, evaluation, or research;

(3) The information will not be released to the involved individual;

(4) The information will be managed in a manner to safeguard confidentiality; and

(5) The final product will not reveal any personally identifying information without the informed written consent of the involved individual or the individual's legally authorized representative.

(e) Release to other programs or authorities. (1) Upon receiving the informed written consent of the individual or, if appropriate, the individual's legally authorized representative, the service provider may release personal information to another agency or organization for the latter's program purposes only to the extent that the information may be released to the involved individual and only to the extent that the other agency or organization demonstrates that the information requested is necessary for the proper administration of its program.

(2) Medical or psychological information may be released pursuant to paragraph (e)(1) of this section if the other agency or organization assures the service provider that the information will be used only for the purpose for which it is being provided and will not be further released to the individual.

(3) The service provider shall release personal information if required by Federal laws or regulations.

(4) The service provider shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to judicial order.

(5) The service provider also may release personal information to protect the individual or others if the individual poses a threat to his or her safety or to the safety of others. (Authority: 29 U.S.C. 711(c))

§364.57 What functions and responsibilities may the State delegate?

A DSU may carry out the functions and responsibilities described in §§364.50, 364.51 (subject to 364.43(d)), 364.52, 364.53, and 364.56 or, except as otherwise provided, may delegate these functions and responsibilities to the appropriate service provider with which the DSU subgrants or contracts to provide IL services. (Authority: 29 U.S.C. 711(c), 796c(f) and 796e-2)

§364.58 What appeal procedures must be available to consumers?

Each service provider shall--

(a) Establish policies and procedures that an individual may use to obtain review of decisions made by the

service provider concerning the individual's request for IL services or the provision of IL services to the individual; and

(b) Use formats that are accessible to inform each individual who seeks or is receiving IL services from the service provider about the procedures required by paragraph (a) of this section.

(Authority: 29 U.S.C. 711(c))

§364.59 May an individual's ability to pay be considered in determining his or her participation in the costs of IL services?

(a) No Federal requirement or prohibition.

(1) A State is neither required to allow nor prohibited from allowing service providers to charge consumers for the cost of IL services.

(2) If a State allows service providers to charge consumers for the cost of IL services, a State is neither required to allow nor prohibited from allowing service providers to consider the ability of individual consumers to pay for the cost of IL services in determining how much a particular consumer must contribute to the costs of a particular IL service.

(b) State plan requirements. If a State chooses to allow service providers to charge consumers for the cost of IL services or if a State chooses to allow service providers to consider the ability of individual consumers to pay for the cost of IL services, the State plan must--

(1) Specify the types of IL services for which costs may be charged and for which a financial need test may be applied; and

(2) Assure that any consideration of financial need is applied uniformly so that all individuals who are eligible for IL services are treated equally.

(c) Financial need. Consistent with paragraph (b) of this section, a service provider may choose to charge consumers for the cost of IL services or may choose to consider the financial need of an individual who is eligible for IL services.

(d) Written policies and documentation. If the service provider chooses to consider financial need--

(1) It shall maintain written policies covering the specific types of IL services for which a financial need test will be applied; and

(2) It shall document the individual's participation in the cost of any IL services, including the individual's financial need.

(Authority: 29 U.S.C. 711(c))

PART 366--CENTERS FOR INDEPENDENT LIVING

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AUTHORITY: 29 U.S.C. 796f through 796f-5, unless otherwise noted.

Subpart A - General

§366.1 What is the Centers for Independent Living (CIL) program?

The CIL program provides financial assistance for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards

and assurances in section 725(b) and (c) of the Act, consistent with the design included in the State plan pursuant to 34 CFR 364.25 for establishing a statewide network of centers. (Authority: 29 U.S.C. 796f, 796f-1(a)(2), and 796f-2(a)(1)(A)(ii))

§366.2 What agencies are eligible for assistance under the CIL program?

(a) In any State in which the Secretary has approved the State plan required by section 704 of the Act, an applicant may receive a grant under Subparts C or D of this part, as applicable, if the applicant demonstrates in its application submitted pursuant to §366.21, 366.24, 366.33, 366.35, or 366.36 that it--

(1) Has the power and authority to--

(i) Carry out the purpose of Part C of Title VII of the Act and perform the functions listed in section 725(b) and (c) of the Act and Subparts F and G of this part within a community located within that State or in a bordering State; and

(ii) Receive and administer--

(A) Funds under this part;

(B) Funds and contributions from private or public sources that may be used in support of a center; and

(C) Funds from other public and private programs;

and

(2) Is able to plan, conduct, administer, and evaluate a center consistent with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.

(b) An applicant that meets the requirements of paragraph (a) of this section is eligible to apply as a new center under §§366.24 or 366.36 if it--

(1) Is not receiving funds under Part C of Chapter 1 of Title VII of the Act; or

(2) Proposes the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) at a different geographical location; and

(3) Meets the requirements of §366.24;

(c) A State that received assistance in fiscal year (FY) 1993 to directly operate a center in accordance with section 724(a) of the Act is eligible to continue to receive assistance under this part to directly operate that center for FY 1994 or a succeeding fiscal year if, for the fiscal year for which assistance is sought--

(1) No nonprofit private agency submits and obtains approval of an acceptable application under sections 722 or 723 of the Act or §366.21 or §366.24 to operate a center for that fiscal year before a date specified by the Secretary; or

(2) After funding all applications so submitted and approved, the Secretary determines that funds remain available to provide that assistance.

(d) Except for the requirement that the center be a private nonprofit agency, a center that is operated by a State that receives assistance under paragraph (a), (b), or (c) of this section shall comply with all of the requirements of Part C of

Title VII of the Act and the requirements in Subparts C or D, as applicable, and F of this part.

(e) Eligibility requirements for assistance under Subpart B of this part are described in §366.10.
(Authority: 29 U.S.C. 711(c), 796f-1(b) and (d)(3), 796f-2(b), and 796f-3(a)(2) and (b))

§366.3 What activities may the Secretary fund?

(a) An eligible agency may use funds awarded under Subpart B of this part to carry out activities described in §366.11(b).

(b) An eligible agency may use funds awarded under Subparts C and D of this part to--

(1) Plan, conduct, administer, and evaluate centers that comply with the standards and assurances in section 725(b) and (c) of the Act;

(2) Promote and practice the independent living (IL) philosophy in accordance with Evaluation Standard 1 ("Philosophy");

(3) Provide IL services (including IL core services and, as appropriate, a combination of any other IL services specified in section 7(30)(B) of the Act) to individuals with a range of significant disabilities in accordance with Evaluation Standards 2 and 5 ("Provision of services" and "Independent living core services," respectively);

(4) Facilitate the development and achievement of IL goals selected by individuals with significant disabilities who seek assistance in the development and achievement of IL goals from the center in accordance with Evaluation Standard 3 ("Independent living goals");

(5) Increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of IL goals by individuals with significant disabilities in accordance with Evaluation Standard 4 ("Community options");

(6) Increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities in accordance with Evaluation Standard 6 ("Activities to increase community capacity");

(7) Conduct resource development activities to obtain funding from sources other than Chapter 1 of Title VII of the Act in accordance with Evaluation Standard 7 (Resource development activities); and

(8) Conduct activities necessary to comply with the assurances in section 725(c) of the Act, including, but not limited to the following:

(i) Aggressive outreach regarding services provided through the center in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under Title VII of the Act, especially minority groups and urban and rural populations.

(ii) Training for center staff on how to serve unserved and underserved populations, including minority groups and urban and rural populations.

(Authority: 29 U.S.C. 796f through 796f-4)

(Cross-reference: See §366.71 in Subpart G.)

§366.4 What regulations apply?

The following regulations apply to the CIL program:

(a) The regulations in 34 CFR Part 364.

(b) The regulations in this Part 366.

(Authority: 29 U.S.C. 711(c) and 796f-796f-5)

§366.5 How are program funds allotted?

(a) The Secretary allots Federal funds appropriated for FY 1994 and subsequent fiscal years for the CIL program to each State in accordance with the requirements of section 721 of the Act.

(b)(1) After the Secretary makes the reservation required by section 721(b) of the Act, the Secretary makes an allotment, from the remainder of the amount appropriated for a fiscal year to carry out Part C of Title VII of the Act, to each State whose State plan has been approved under section 706 of the Act and 34 CFR Part 364.

(2) The Secretary makes the allotment under paragraph (b)(1) of this section subject to sections 721(c)(1)(B) and (C), 721(c)(2) and (3), and 721(d) of the Act.

(Authority: 29 U.S.C. 796f)

Subpart B Deleted (Not relevant to Competition)

Subpart C - Grants to Centers for Independent Living (Centers) in States in Which Federal Funding Exceeds State Funding

§366.20 When does the Secretary award grants to centers?

The Secretary awards grants to centers in a State in a fiscal year if--

(a) The amount of Federal funds allotted to the State under section 721(c) and (d) of the Act to support the general operation of centers is greater than the amount of State funds earmarked for the same purpose, as determined pursuant to §§366.29 and 366.31; or

(b) The Director of a designated State unit (DSU) does not submit to the Secretary and obtain approval of an application to award grants under section 723 of the Act and §366.32(a) and (b).

(Authority: 29 U.S.C. 796f-1 and 796f-2(a)(2))

§366.21 What are the application requirements for existing eligible agencies?

To be eligible for assistance, an eligible agency shall submit--

(a) An application at the time, in the manner, and containing the information that is required;

(b) An assurance that the eligible agency meets the requirements of §366.2; and

(c) The assurances required by section 725(c) of the Act and Subpart F of this part.

(Authority: 29 U.S.C. 796f-1(b))

§366.22 What is the order of priorities?

(a) In accordance with a State's allotment and to the extent funds are available, the order of priorities for allocating funds among centers within a State is as follows:

(1) Existing centers, as described in §366.23, that comply with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part first receive the level of funding each center received in the previous year. However, any funds received by an existing center to establish a new center at a different geographical location pursuant to proposed §366.2(b)(2) are not included in determining the level of funding to the existing center in any fiscal year that the new center applies for and receives funds as a separate center.

(2) Existing centers that meet the requirements of paragraph (a)(1) of this section then receive a cost-of-living increase in accordance with procedures consistent with section 721(c)(3) of the Act.

(3) New centers, as described in §366.2(b), that comply with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.

(b) If, after meeting the priorities in paragraphs (a)(1) and (2) of this section, there are insufficient funds under the State's allotment under section 721(c) and (d) of the Act to fund a new center under paragraph (a)(3) of this section, the Secretary may--

(1) Use the excess funds in the State to assist existing centers consistent with the State plan; or

(2) Reallot these funds in accordance with section 721(d) of the Act.

(Authority: 29 U.S.C. 711(c) and 796f-1(e))

§366.23 What grants must be made to existing eligible agencies?

(a) In accordance with the order of priorities established in §366.22, an eligible agency may receive a grant if the eligible agency demonstrates in its application that it--

(1) Meets the requirements in §366.21 or §366.24;

(2) Is receiving funds under Part C of Title VII of the Act on September 30, 1993; and

(3) Is in compliance with the program and fiscal standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part. (The indicators of minimum compliance in Subpart G of this part are used to determine compliance with the evaluation standards in section 725(b) of the Act.)

(b) For purposes of this section, an eligible agency is receiving funds under Part C of Title VII of the Act on September 30, 1993, if it was awarded a grant on or before that date, i.e., during FY 1993.

(Authority: 29 U.S.C. 796f-1(c))

§366.24 How is an award made to a new center?

(a) To apply for a grant as a new center, an eligible agency shall--

(1) Meet the requirements of §366.2(b);

(2) Submit an application that meets the requirements of §366.21; and

(3) Meet the requirements of this section.

(b) Subject to the order of priorities established in §366.22, a grant for a new center may be awarded to the most qualified eligible agency that applies for funds under this section, if--

(1)(i) No center serves a geographic area of a State; or

(ii) A geographic area of a State is underserved by centers serving other areas of the State;

(2) The eligible agency proposes to serve the geographic area that is unserved or underserved in the State; and

(3) The increase in the allotment of the State under section 721 of the Act for a fiscal year, as compared with the immediately preceding fiscal year, is sufficient to support an additional center in the State.

(c) The establishment of a new center under this subpart must be consistent with the design included in the State plan pursuant to 34 CFR 364.25 for establishing a statewide network of centers.

(d) An applicant may satisfy the requirements of paragraph (c) of this section by submitting appropriate documentation demonstrating that the establishment of a new center is consistent with the design in the State plan required by 34 CFR 364.25.

(Authority: 29 U.S.C. 796f-1(d))

§366.25 What additional factor does the Secretary use in making a grant for a new center under §366.24?

In selecting from among applicants for a grant under §366.24 for a new center, the Secretary considers comments

regarding the application, if any, by the SILC in the State in which the applicant is located.

(Authority: 29 U.S.C. 796f-1(d)(1))

§366.26 How does the Secretary evaluate an application?

(a) The Secretary evaluates each application for a grant under this subpart on the basis of the criteria in §366.27.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 29 U.S.C. 796f(b)(3))

§366.27 What selection criteria does the Secretary use?

In evaluating each application for a new center under this part, the Secretary uses the following selection criteria:

(a) Extent of the need for the project (20 points).

(1) The Secretary reviews each application for persuasive evidence that shows the extent to which the project meets the specific needs for the program, including considerations of--

(i) The needs addressed by the project;

(ii) How the applicant identified those needs (e.g., whether from the 1990 census data or other current sources);

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(2) The Secretary looks for information that shows that the need for the center has been established based on an assessment of the ability of existing programs and facilities to meet the need for IL services of individuals with significant disabilities in the geographic area to be served.

(3) The Secretary looks for information that shows--

(i) That the applicant proposes to establish a new center to serve a priority service area that is identified in the current State plan; and

(ii) The priority that the State has placed on establishing a new center in this proposed service area.

(b) Past performance (5 points). The Secretary reviews each application for information that shows the past performance of the applicant in successfully providing services comparable to the IL core services and other IL services listed in section 7(29) and (30) of the Act and 34 CFR 365.21 and 365.22 and other services that empower individuals with significant disabilities.

(c) Meeting the standards and the assurances (25 points). The Secretary reviews each application for information that shows--

(1) Evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the standards in section 725(b) of the Act and Subpart G of this part; and

(2) Convincing evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the assurances in section 725(c) of the Act and Subpart F of this part.

(d) Quality of key personnel (10 points).

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project, including--

(i) The qualifications of the project director, if one is to be used;

(ii) The qualifications of each of the other management and decision-making personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(1)(i) and (ii) of this section will commit to the project;

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability; and

(v) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally under-represented, including--

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Persons with disabilities; and

(D) Elderly individuals.

(2) To determine personnel qualifications under paragraphs (d)(1)(i) and (ii) of this section, the Secretary considers--

(i) Experience and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the objectives of the project.

(e) Budget and cost effectiveness (10 points). The Secretary reviews each application for information that shows the extent to which--

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(f) Evaluation plan (5 points). The Secretary reviews each application for information that shows the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation--

(1) Are appropriate for the project;

(2) Will determine how successful the project is in meeting its goals and objectives; and

(3) Are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590.)

(g) Plan of operation (20 points). The Secretary reviews each application for information that shows the quality of the plan of operation for the project, including--

(1) The quality of the design of the project;

(2) The extent to which the plan of management ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program;

(4) The quality and adequacy of the applicant's plan to use its resources (including funding, facilities, equipment, and supplies) and personnel to achieve each objective;

(5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability; and

(6) A clear description of how the applicant will provide equal access to services for eligible project participants who are members of groups that have been traditionally under-represented, including--

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Elderly individuals; and

(iv) Children and youth.

(h) Involvement of individuals with significant disabilities (5 points).

(1) The Secretary reviews each application for information that shows that individuals with significant disabilities are appropriately involved in the development of the application.

(2) The Secretary looks for information that shows that individuals with significant disabilities or their parents, guardians, or other legally authorized advocates or representatives, as appropriate, will be substantially involved in planning, policy direction, and management of the center, and, to the greatest extent possible, that individuals with significant disabilities will be employed by the center.

(Authority: 29 U.S.C. 796f-1(d)(2)(B))

§366.28 Under what circumstances may the Secretary award a grant to a center in one State to serve individuals in another State?

(a) The Secretary may use funds from the allotment of one State to award a grant to a center located in a bordering State if the Secretary determines that the proposal of the out-of-State center to serve individuals with significant disabilities who reside in the bordering State is consistent with the State plan of the State in which these individuals reside.

(b) An applicant shall submit documentation demonstrating that the arrangements described in paragraph (a) of this section are consistent with the State plan of the State in which the individuals reside.

(Authority: 29 U.S.C. 711(c) and 796f(c) and (d))

Subpart D -- Deleted (Not relevant to 722 Competition)

Subpart E--Enforcement and Appeals Procedures

§366.39 What procedures does the Secretary use for enforcement?

(a) If the Secretary determines that any center receiving funds under this part is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part, the Secretary immediately notifies the center, by certified mail, return receipt requested, or other means that provide proof of receipt, that the center is out of compliance. The Secretary also offers technical assistance to the center to develop a corrective action plan to comply with the standards and assurances.

(b) The Secretary terminates all funds under section 721 of the Act to that center 90 days after the date of the notification required by paragraph (a) of this section unless--

(1) The center submits, within 90 days after receiving the notification required by paragraph (a) of this section, a corrective action plan to achieve compliance that is approved by the Secretary; or

(2) The center requests a hearing pursuant to paragraph (c) or (d) of this section.

(c) If the Secretary does not approve a center's corrective action plan submitted pursuant to paragraph (b)(1) of this section, the center has 30 days from receipt of the Secretary's written notice of disapproval of the center's corrective action plan to request a hearing by submitting a formal written request that gives the reasons why the center believes that the Secretary should have approved the center's corrective action plan.

(d) If the center does not submit a corrective action plan to the Secretary, the center has 90 days after receiving the notification required by paragraph (a) of this section to request a hearing by submitting a formal written request that gives the reasons why the center believes that the Secretary should have found the center in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.

(e) The date of filing a formal written request for a hearing to the Secretary under paragraph (c) or (d) of this section is determined in a manner consistent with the requirements of 34 CFR 81.12.

(f) The Secretary issues a written decision to terminate funds to the center if, after providing reasonable notice and an opportunity for a hearing, the Secretary finds that--

(1) The center receiving funds under this part is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part; or

(2) The center's corrective action plan submitted under paragraph (b)(1) of this section cannot be approved.

(g) The Secretary's decision to terminate funds to a center pursuant to paragraph (f) of this section takes effect upon issuance.

(Authority: 29 U.S.C. 711(c) and 796f-1(g))

§366.40 How does the Director initiate enforcement procedures?

(a) If the Director determines that any center receiving funds under this part is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part, the Director shall immediately provide the center, by certified mail, return receipt requested, or other means that provide proof of receipt, with an initial written notice that the center is out of compliance with the standards and assurances and that the Director will terminate the center's funds or take other proposed significant adverse action against the center 90 days after the center's receipt of this initial written notice. The Director shall provide technical assistance to the center to develop a corrective action plan to comply with the standards and assurances.

(b) Unless the center submits, within 90 days after receiving the notification required by paragraph (a) of this section, a corrective action plan to achieve compliance that is approved by the Director or, if appealed, by the Secretary, the Director shall terminate all funds under section 723 of the Act to a center 90 days after the later of--

(1) The date that the center receives the initial written notice required by paragraph (a) of this section; or

(2) The date that the center receives the Secretary's final decision issued pursuant to §366.46(c) if--

(i) The center files a formal written appeal of the Director's final written decision pursuant to §366.44(a); or

(ii) The center files a formal written appeal of the decision described in the Director's initial written notice pursuant to §366.44(b).

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (i))

§366.41 What must be included in an initial written notice from the Director?

The initial written notice required by §366.40(a) must--

(a) Include, at a minimum, the following:

(1) The name of the center.

(2) The reason or reasons for proposing the termination of funds or other significant adverse action against the center, including any evidence that the center has failed to comply with any of the evaluation standards or assurances in

section 725(b) and (c) of the Act and Subparts F and G of this part.

(3) The effective date of the proposed termination of funds or other significant adverse action against the center;

(b) Be given 90 days in advance of the date the Director intends to terminate a center's funds or take any other significant adverse action against the center;

(c) Inform the center that it has 90 days from the date the center receives the notice to submit a corrective action plan;

(d) Inform the center that it may seek mediation and conciliation in accordance with §366.40(a) to resolve any dispute with the Director within the 90 days before the proposed termination of funds or other significant adverse action against the center; and

(e) Inform the center that, if mediation and conciliation are not successful and the Director does not issue a final written decision pursuant to §366.42, the center may appeal to the Secretary the decision described in the Director's initial written notice on or after the 90th day, but not later than the 120th day, after the center receives the Director's initial decision.

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (i))

§366.42 When does a Director issue a final written decision?

(a) If the center submits a corrective action plan in accordance with §366.40(b), the Director shall provide to the center, not later than the 120th day after the center receives the Director's initial written notice, a final written decision approving or disapproving the center's corrective action plan and informing the center, if appropriate, of the termination of the center's funds or any other proposed significant adverse action against the center.

(b) The Director shall send the final written decision to the center by registered or certified mail, return receipt requested, or other means that provide a record that the center received the Director's final written decision.

(c) A Director's final written decision to terminate funds or take any other adverse action against a center may not take effect until 30 days after the date that the center receives it.

(d) If a center appeals pursuant to §366.44(a), the Director's final written decision to terminate funds or take any other adverse action against a center does not take effect until the Secretary issues a final decision.

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (i))

§366.43 What must be included in the Director's final written decision?

The Director's final written decision to disapprove a center's corrective action plan required by §366.42 must--

(a) Address any response from the center to the Director's initial written notice to terminate funds or take other significant adverse action against the center;

(b) Include a statement of the reasons why the Director could not approve the corrective action plan; and

(c) Inform the center of its right to appeal to the Secretary the Director's final written decision to terminate funds or take any other significant adverse action against the center.

(Authority: 29 U.S.C. 711(c) and 796f-2(g) and (i))

§366.44 How does a center appeal a decision included in a Director's initial written notice or a Director's final written decision?

(a) To obtain the Secretary's review of a Director's final written decision to disapprove a center's corrective action plan submitted pursuant to §366.40(b), the center shall file, within 30 days from receipt of the Director's final written decision, a formal written appeal with the Secretary giving the reasons why the center believes that the Director should have approved the center's corrective action plan.

(Cross-reference: See §366.42.)

(b) To obtain the Secretary's review of a decision described in a Director's initial written notice, a center that does not submit a corrective action plan to a Director shall file, in accordance with paragraph (c)(1)(i) of this section, a formal written appeal with the Secretary giving the reasons why the center believes that the Director should have found the center in compliance with the standards and assurances in section 725(b) and (c) of the Act and Subparts F and G of this part.

(c) To appeal to the Secretary a decision described in a Director's initial written notice or a Director's final written decision to disapprove a center's corrective action plan and to terminate or take other significant adverse action, a center shall file with the Secretary--

(1) A formal written appeal--

(i) On or after the 90th day but not later than the 120th day following a center's receipt of a Director's initial written notice; or

(ii) On or before the 30th day after a center's receipt of the Director's final written decision to disapprove a center's corrective action plan and to terminate or take other significant adverse action;

(2) A copy of the corrective action plan, if any, submitted to the Director; and

(3) One copy each of any other written submissions sent to the Director in response to the Director's initial written notice to terminate funds or take other significant adverse action against the center.

(d) The date of filing a formal written appeal to the Secretary under paragraph (c) of this section is determined in a manner consistent with the requirements of 34 CFR 81.12.

(e) If the center files a formal written appeal with the Secretary, the center shall send a separate copy of this appeal to the Director by registered or certified mail, return receipt requested, or other means that provide a record that the Director received a separate copy of the center's written appeal.

(f) The center's formal written appeal to the Secretary must state why--

(1) The Director has not met the burden of showing that the center is not in compliance with the standards and assurances in section 725(b) and (c) of the Act and in Subparts F and G of this part;

(2) The corrective action plan, if any, should have been approved; or

(3) The Director has not met the procedural requirements of §§366.40 through 366.45.

(g) As part of its submissions under this section, the center may request an informal meeting with the Secretary at which representatives of both parties will have an opportunity to present their views on the issues raised in the appeal.

(h) A Director's decision to terminate funds that is described in an initial written notice or final written decision is stayed as of the date (determined pursuant to paragraph (d) of this section) that the center files a formal written appeal with the Secretary.

(Authority: 29 U.S.C. 711(c) and 796f-2(g)(2) and (i))

§366.45 What must a Director do upon receipt of a copy of a center's formal written appeal to the Secretary?

(a) If the center files a formal written appeal in accordance with §366.44(c), the Director shall, within 15 days of receipt of the center's appeal, submit to the Secretary one copy each of the following:

(1) The Director's initial written notice to terminate funds or take any other significant adverse action against the center sent to the center.

(2) The Director's final written decision, if any, to disapprove the center's corrective action plan and to terminate the center's funds or take any other significant adverse action against the center.

(3) Any other written documentation or submissions the Director wishes the Secretary to consider.

(4) Any other information requested by the Secretary.

(b) As part of its submissions under this section, the Director may request an informal meeting with the Secretary at which representatives of both parties will have an opportunity to present their views on the issues raised in the appeal.

(Authority: 29 U.S.C. 711(c) and 796f-2(g)(2) and (i))

§366.46 How does the Secretary review a center's appeal of a decision included in a Director's initial written notice or a Director's final written decision?

(a) If either party requests a meeting under §§366.44(g) or 366.45(b), the meeting is to be held within 30 days of the date of the Secretary's receipt of the submissions from the Director that are required by §366.45(a). The Secretary promptly notifies the parties of the date and place of the meeting.

(b) Within 30 days of the informal meeting permitted under paragraph (a) of this section or, if neither party has requested an informal meeting, within 60 days of the date of receipt of the submissions required from the Director by §366.45(a), the Secretary issues to the parties the Secretary's decision.

(c) The Secretary reviews a decision included in a Director's initial written notice or a Director's final written decision to disapprove the center's corrective action plan and to terminate the center's funds or take any other significant adverse action against the center based on the record submitted under §§366.44 and 366.45 and may affirm or, if the Secretary finds that the decision included in a Director's initial written notice or a Director's final written decision is not supported by the evidence or is not in accordance with the law, may--

(1) Remand the appeal for further findings; or

(2) Reverse the decision described in the Director's initial written notice or the Director's final written decision to disapprove the center's corrective action plan and to terminate funds or take any other significant adverse action against the center.

(d) The Secretary sends copies of his or her decision to the parties by registered or certified mail, return receipt requested, or other means that provide a record of receipt by both parties.

(e) If the Secretary affirms the decision described in a Director's initial written notice or the Director's final written decision, the Director's decision takes effect on the date of the Secretary's final decision to affirm.

(Authority: 29 U.S.C. 711(c) and 796f-2(g)(2) and (i))

Subpart F--Assurances for Centers

§366.50 What assurances shall a center provide and comply with?

To be eligible for assistance under this part, an eligible agency shall provide satisfactory assurances that--

(a) The applicant is an eligible agency;

(b) The center will be designed and operated within local communities by individuals with disabilities, including an assurance that the center will have a board that is the principal

governing body of the center and a majority of which must be composed of individuals with significant disabilities;

(c) The applicant will comply with the standards in Subpart G;

(d) The applicant will establish clear priorities through--

(1) Annual and three-year program and financial planning objectives for the center, including overall goals or a mission for the center;

(2) A work plan for achieving the goals or mission, specific objectives, service priorities, and types of services to be provided; and

(3) A description that demonstrates how the proposed activities of the applicant are consistent with the most recent three-year State plan under section 704 of the Act;

(e) The applicant will use sound organizational and personnel assignment practices, including taking affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act;

(f) The applicant will ensure that the majority of the staff, and individuals in decision-making positions, of the applicant are individuals with disabilities;

(g) The applicant will practice sound fiscal management, including making arrangements for an annual independent fiscal audit;

(h) The applicant will conduct an annual self-evaluation, prepare an annual performance report, and maintain records adequate to measure performance with respect to the standards in Subpart G;

(i) The annual performance report and the records of the center's performance required by paragraph (h) of this section must each contain information regarding, at a minimum--

(1) The extent to which the center is in compliance with the standards in section 725(b) of the Act and Subpart G of this part;

(Cross-reference: See §§366.70(a)(2) and 366.73)

(2) The number and types of individuals with significant disabilities receiving services through the center;

(3) The types of services provided through the center and the number of individuals with significant disabilities receiving each type of service;

(4) The sources and amounts of funding for the operation of the center;

(5) The number of individuals with significant disabilities who are employed by, and the number who are in management and decision-making positions in, the center;

(6) The number of individuals from minority populations who are employed by, and the number who are in management and decision-making positions in, the center; and

(7) A comparison, if appropriate, of the activities of the center in prior years with the activities of the center in most recent years;

(j) Individuals with significant disabilities who are seeking or receiving services at the center will be notified by the center of the existence of, the availability of, and how to contact the client assistance program;

(k) Aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under Title VII of the Act, especially minority groups and urban and rural populations;

(l) Staff at centers will receive training on how to serve unserved and underserved populations, including minority groups and urban and rural populations;

(m) The center will submit to the SILC a copy of its approved grant application and the annual performance report required under paragraph (h) of this section;

(n) The center will prepare and submit to the DSU, if the center received a grant from the Director, or to the Secretary, if the center received a grant from the Secretary, within 90 days of the end of each fiscal year, the annual performance report that is required to be prepared pursuant to paragraph (h) of this section and that contains the information described in paragraph (i) of this section; and

(o) An IL plan as described in section 704(e) of the Act will be developed for each individual who will receive services under this part unless the individual signs a waiver stating that an IL plan is unnecessary.

(Authority: 29 U.S.C. 796f-4)

Subpart G--Standards and Indicators

§366.60 What are the project evaluation standards?

To be eligible to receive funds under this part, an applicant must agree to comply with the following evaluation standards:

(a) Evaluation standard 1--Philosophy. The center shall promote and practice the IL philosophy of--

(1) Consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;

(2) Self-help and self-advocacy;

(3) Development of peer relationships and peer role models;

(4) Equal access of individuals with significant disabilities to all of the center's services, programs, activities, resources, and facilities, whether publicly or privately funded, without regard to the type of significant disability of the individual; and

(5) Promoting equal access of individuals with significant disabilities to all services, programs, activities, resources, and facilities in society, whether public or private,

and regardless of funding source, on the same basis that access is provided to other individuals with disabilities and to individuals without disabilities.

(b) Evaluation standard 2--Provision of services.

(1) The center shall provide IL services to individuals with a range of significant disabilities.

(2) The center shall provide IL services on a cross-disability basis (i.e., for individuals with all different types of significant disabilities, including individuals with significant disabilities who are members of populations that are unserved or underserved by programs under Title VII of this Act).

(3) The center shall determine eligibility for IL services. The center may not base eligibility on the presence of any one specific significant disability.

(c) Evaluation standard 3--Independent living goals. The center shall facilitate the development and achievement of IL goals selected by individuals with significant disabilities who seek assistance in the development and achievement of IL goals from the center.

(d) Evaluation standard 4--Community options. The center shall conduct activities to increase the availability and improve the quality of community options for IL to facilitate the development and achievement of IL goals by individuals with significant disabilities.

(e) Evaluation standard 5--Independent living core services. The center shall provide IL core services and, as appropriate, a combination of any other IL services specified in section 7(30)(B) of the Act.

(f) Evaluation standard 6--Activities to increase community capacity. The center shall conduct activities to increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities.

(g) Evaluation standard 7--Resource development activities. The center shall conduct resource development activities to obtain funding from sources other than Chapter 1 of Title VII of the Act.

(Authority: 29 U.S.C. 796f-4)

§366.61 What are the compliance indicators?

(a) The compliance indicators establish the activities that a center shall carry out to demonstrate minimum compliance with the evaluation standards in §366.60.

(b) If a center fails to satisfy any one of the indicators, the center is out of compliance with the evaluation standards.

(Authority: 20 U.S.C. 796d-1(b))

§366.62 What are the requirements for continuation funding?

(a) To be eligible to receive a continuation award for the third or any subsequent year of a grant, a center shall--

(1) Have complied fully during the previous project year with all of the terms and conditions of its grant;

(2) Provide adequate evidence in its most recent annual performance report that the center is in minimum compliance with the evaluation standards in §366.60 (Cross-reference: See §§366.50(h) and (i) and 34 CFR 75.118(a)); and

(3) Meet the requirements in this Part 366.

(b) If a recipient receives funding for more than one center, each individual center that receives a continuation award shall meet the requirements of paragraph (a) of this section.

(Approved by the Office of Management and Budget under control number 1820-0606.)

(Authority: 29 U.S.C. 711(c), 796d-1(b), 796e, and 796f-4)
§366.63 What evidence must a center present to demonstrate that it is in minimum compliance with the evaluation standards?

(a) Compliance indicator 1--Philosophy.

(1) Consumer control.

(i) The center shall provide evidence in its most recent annual performance report that--

(A) Individuals with significant disabilities constitute more than 50 percent of the center's governing board; and

(B) Individuals with disabilities constitute more than 50 percent of the center's--

(1) Employees in decisionmaking positions; and

(2) Employees in staff positions.

(ii) A center may exclude personal assistants, readers, drivers, and interpreters employed by the center from the requirement in paragraph (a)(1)(B) of this section.

(iii) The determination that over 50 percent of a center's employees in decisionmaking and staff positions are individuals with disabilities must be based on the total number of hours (excluding any overtime) for which employees are actually paid during the last six-month period covered by the center's most recent annual performance report. However, a center must include in this determination its employees who are on unpaid family or maternity leave during this six-month period.

(2) Self-help and self-advocacy. The center shall provide evidence in its most recent annual performance report that it promotes self-help and self-advocacy among individuals with significant disabilities (e.g., by conducting activities to train individuals with significant disabilities in self-advocacy).

(3) Development of peer relationships and peer role models. The center shall provide evidence in its most recent annual performance report that it promotes the development of peer relationships and peer role models among individuals with significant disabilities (e.g., by using individuals with significant disabilities who have achieved IL goals [whether the goals were achieved independently or through assistance and services provided by a center] as instructors [volunteer or paid] in its training programs or as peer counselors).

(4) Equal access. The center shall provide evidence in its most recent annual performance report that it--

(i) Ensures equal access of individuals with significant disabilities, including communication and physical access, to the center's services, programs, activities, resources, and facilities, whether publicly or privately funded. Equal access, for purposes of this paragraph, means that the same access is provided to any individual with a significant disability regardless of the individual's type of significant disability.

(ii) Advocates for and conducts activities that promote the equal access to all services, programs, activities, resources, and facilities in society, whether public or private, and regardless of funding source, for individuals with significant disabilities. Equal access, for purposes of this paragraph, means that the same access provided to individuals without disabilities is provided in the center's service area to individuals with significant disabilities.

(5) Alternative formats. To ensure that a center complies with §366.63(a)(4) and for effective communication, a center shall make available in alternative formats, as appropriate, all of its written policies and materials and IL services.

(b) Compliance indicator 2--Provision of services on a cross-disability basis. The center shall provide evidence in its most recent annual performance report that it--

(1) Provides IL services to eligible individuals or groups of individuals without restrictions based on the particular type or types of significant disability of an individual or group of individuals, unless the restricted IL service (other than the IL core services) is unique to the significant disability of the individuals to be served;

(2) Provides IL services to individuals with a diversity of significant disabilities and individuals who are members of populations that are unserved or underserved by programs under Title VII of the Act; and

(3) Provides IL core services to individuals with significant disabilities in a manner that is neither targeted nor limited to a particular type of significant disability.

(c) Compliance indicator 3--Independent living goals.

(1) The center shall provide evidence in its most recent annual performance report that it--

(i) Maintains a consumer service record that meets the requirements of 34 CFR 364.53 for each consumer;

(ii) Facilitates the development and achievement of IL goals selected by individuals with significant disabilities who request assistance from the center;

(iii) Provides opportunities for consumers to express satisfaction with the center's services and policies in facilitating their achievement of IL goals and provides any results to its governing board and the appropriate SILC; and

(iv) Notifies all consumers of their right to develop or waive the development of an IL plan (ILP).

(2) The center shall provide evidence in its most recent annual performance report that the center maintains records on--

(i) The IL goals that consumers receiving services at the center believe they have achieved;

(ii) The number of ILPs developed by consumers receiving services at the center; and

(iii) The number of waivers signed by consumers receiving services at the center stating that an ILP is unnecessary.

(d) Compliance indicator 4--Community options and community capacity. The center shall provide evidence in its most recent annual performance report that, during the project year covered by the center's most recent annual performance report, the center promoted the increased availability and improved quality of community-based programs that serve individuals with significant disabilities and promoted the removal of any existing architectural, attitudinal, communication, environmental, or other type of barrier that prevents the full integration of these individuals into society. This evidence must demonstrate that the center performed at least one activity in each of the following categories:

(1) Community advocacy.

(2) Technical assistance to the community on making services, programs, activities, resources, and facilities in society accessible to individuals with significant disabilities.

(3) Public information and education.

(4) Aggressive outreach to members of populations of individuals with significant disabilities that are unserved or underserved by programs under Title VII of the Act in the center's service area.

(5) Collaboration with service providers, other agencies, and organizations that could assist in improving the options available for individuals with significant disabilities to avail themselves of the services, programs, activities, resources, and facilities in the center's service area.

(e) Compliance indicator 5--IL core services and other IL services. The center shall provide evidence in its most recent annual performance report that it provides--

(1) Information and referral services to all individuals who request this type of assistance or services from the center in formats accessible to the individual requesting these services; and

(2) As appropriate in response to requests from individuals with significant disabilities who are eligible for IL services from the center, the following services:

(i) IL skills training.

(ii) Peer counseling (including cross-disability peer counseling).

(iii) Individual and systems advocacy.

(iv) A combination, as appropriate, of any two or more of the IL services defined in section 7(30)(B) of the Act.

(f) Compliance indicator 6--Resource development activities. The center shall provide evidence in its most recent annual performance report that it has conducted resource development activities within the period covered by the performance report to obtain funding from sources other than Chapter 1 of Title VII of the Act.

(Approved by the Office of Management and Budget under control number 1820-0606.)

(Authority: 29 U.S.C. 711(c), 796d-1(b), and 796f-4)

**SECTION E: APPLICATION INSTRUCTIONS AND FORMS FOR FEDERAL
ASSISTANCE**

U.S. Department of Education
Office of Special Education and Rehabilitative Services

REHABILITATION SERVICES ADMINISTRATION
INSTRUCTIONS FOR APPLICATION FOR FEDERAL ASSISTANCE
(Nonconstruction Program)

The enclosed forms shall be used by all applicants for Federal Assistance under all Rehabilitation Services Administration programs. **If an applicant is applying to provide services in more than one State, a separate application must be submitted for each State in which a grant is sought.** No grant may be awarded unless the completed application forms have been received. If an item does not appear to be relevant to the assistance requested, write "NA" for not applicable.

This application consists of four parts. **It is critical to organize your application in the same exact order.** These parts are as follows:

Part I : Federal Assistance Face Sheet (SF 424)

Table of Contents - Abstract

Part II - Program Narrative

Part III - Budget Information

Part IV - Assurances, Certifications, and Disclosures

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is 1820-0018. The time required to complete this information collection is estimated to average 40 hours (or minutes) per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Information Management Team, U.S. Department of Education, 600 Independence Avenue, S.W., Washington, D.C. 20202-4651.**

(Information collection approved under OMB control number 1820-0018. Expiration date: March 31, 1999.)

PART I

Part I of this application consists of the standard application face page for Federal assistance (SF 424) and the concomitant instructions. Standard instructions for completing the SF 424 form immediately follow the form. Additionally, the supplemental instructions provided below are to be used in lieu of or along with the standard instructions for the following items:

Item 1 - Preprinted

Item 5 - Enter the name and telephone number of the project director (or principal contact if project director has not been identified).

Item 6 - If the applicant organization has been assigned a Department of Education (ED) entity number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full ED entity number in block 6.

Item 8 - Preprinted.

Item 10 - Preprinted.

Item 12 - Insert the State and the geographical area in which the applicant is applying to establish a new center.

Item 16 - The program covered by this application package is subject to Executive Order 12372. Separate instructions and information governing the procedures to be followed for programs subject to Executive Order 12372 are included in the application package, including a list of those states which have established a process, designated a single point of contact, and selected these programs for review subject to the requirements of Executive Order 12372. For those programs covered by Executive Order 12372, provide the name of the State Agency to which the application was submitted for review, and include a copy of the agency's comments or, if comments have not been received, a copy of the cover letter used to transmit the application to the State agency. If the program is covered by Executive Order 12372 but the responsible state has not selected the program for review, please mark the "Not Selected" box.

APPLICATION FOR FEDERAL ASSISTANCE		2. Date Submitted		Application Identifier	
1. TYPE OF SUBMISSION ___ Construction <u>X</u> Non-Construction		Preapplication		3. DATE RECEIVED BY STATE	
		___ Construction ___ Nonconstruction		4. DATE RECEIVED BY FEDERAL AGENCY	
				State Application Identifier	
				Federal Identifier	
5. APPLICANT INFORMATION					
Legal Name			Organizational Unit		
Address (Give city, county, state, and zip code)			Name and telephone number of the person to be contacted on matters involving this application (give area code)		
6. Employer Identification Number ____ - _____			7. TYPE OF APPLICATION:(enter appropriate letter here)		
8. TYPE OF APPLICATION <u>X</u> New ___ Continuation ___ Revision If Revision, enter appropriate letter(s) here ____ A Increase Award B Decrease Award C Increase Duration D Decrease Duration Other (specify)			A State F Intermunicipal K Indian tribe B County G Special District L Individual C Municipal H Independent School Dist. M Profit Org. D Township I State Cont. I of HL N Other (Specify) E Interstate J Private University _____		
			9. NAME OF FEDERAL AGENCY		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 84.132A4 Title: Centers for Independent Living Program			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:		
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):					
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:			
Start Date	Ending Date	a. Applicant		b. Project	
15. ESTIMATED FUNDING		16. IS APPLICANT SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?			
a. Federal	\$.00	a. YES THIS PREAPPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____ b. NO ___ PROGRAM IS NOT COVERED BY E.O. 12372 ___ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
b. Applicant	\$.00				
c. State	\$.00				
d. Local	\$.00				
e. Other	\$.00				
f. Program Income	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ___ Yes If "Yes" attach an explanation ___ No			
g. TOTAL	\$.00				
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
19. a. Typed Name of Authorized Representative			b. Title:		c. Telephone #:
d. Signature of Authorized Representative				e. Date Signed	

This is a standard form used by applicants as a required facesheet for preapplications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicants control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matter related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter "N. Other - private non-profit" (Otherwise not eligible to apply).
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
 - "New" means a new assistance award.
 - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
 - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project, if more than one program is involved, you should append an

Item: Entry:

- explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications use a separate sheet to provide a summary description of this project.
12. **List the State and area (county, city, etc.) the applicant is applying to serve with this application.**
 13. Self-explanatory.
 14. List the applicant's Congressional District and any District(s) affected by the program or project.
 15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
 16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
 17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
 18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application).

TABLE OF CONTENTS - PROJECT ABSTRACT

Include following Form 424, a table of contents with page numbers for each section of the application, including appendices. To assist the peer reviewers, number the entire application consecutively, i.e., do not restart numbering with each section. The project abstract should be an overview statement (not more than a one page abstract) that summarizes the mission, goals and objectives, the target population and service area, the impact, and the expected outcomes or benefits of the project. Please make this a separate page so it may be pulled from the application to include with funding recommendation documents.

PART II - PROGRAM NARRATIVE

Prepare the Program Narrative in accordance with the following instructions. Before preparing the Program Narrative, applicants should carefully review the program regulations contained in this application package in section D, paying special attention to the selection criteria. The Program Narrative must respond to the emphasis in the selection criteria identified in the program regulations; however Applicants should address the criteria in the same order as they appear in this section.

In addition, applicants should read the applicable parts of the Education Department General Administrative Regulations (EDGAR), 34 CFR. These regulations set forth all general rules affecting application submittal, review, grant award, and post-award administration for Department of Education grant programs.

NOTE: Applicants should refer back to the "Dear Applicant" letter. It cites the appropriate sections of the program regulations and the applicable parts of EDGAR.

Since applications may need to be duplicated for distribution to reviewers, printed material should be legible, appear only on one side of each page, and be single spaced (double space program narrative). To ensure that printed material is legible, the use of a high quality printer, with a 10 pitch or larger typeface, in the preparation of your application is strongly urged. Use standard 8 1/2 x 11 inch paper, white in color¹, and free from tabs. Also, use spring clips or rubber bands to hold the application together. Do not use binders, folders, and staples as they must be removed before duplicating applications.

Please limit the Program Narrative to 35 pages, double spaced, and number pages consecutively. The narrative should be written concisely. Only the required information should be submitted.

¹ If colored sheets are mixed in among the white sheets, the application cannot be put into recycling.

If appendices or other supplemental materials are included, they must be kept to a minimum and must substantiate what is proposed in the narrative., e.g., the results of a needs survey or letters of commitment from organizations that will have significant involvement with the project. All vitae should be limited to one page in length showing the source and date of earned degrees, experience relevant to working with individuals who are disabled and the person's direct relationship to the project, e.g., how the person will function in the project.

To facilitate application review, **it may be helpful to the success of your application if the Program Narrative responds to the selection criteria in the following order²:**

(a) Extent of the need for the project (20 points).

(1) The Secretary reviews each application for persuasive evidence that shows the extent to which the project meets the specific needs for the program, including considerations of--

- (i) The needs addressed by the project;
- (ii) How the applicant identified those needs (e.g., whether from the 1990 census data or other current sources);
- (iii) How those needs will be met by the project; and
- (iv) The benefits to be gained by meeting those needs.

(2) The Secretary looks for information that shows that the need for the center has been established based on an assessment of the ability of existing programs and facilities to meet the need for IL services of individuals with significant disabilities in the geographic area to be served.

(3) The Secretary looks for information that shows--

- (i) That the applicant proposes to establish a new center to serve a priority service area that is identified in the current State plan; and
- (ii) The priority that the State has placed on establishing a new center in this proposed service area.

² NOTE THAT THE ORDER IN WHICH CRITERIA SHOULD BE ADDRESSED IN THE PROGRAM NARRATIVE IS NOT THE SAME ORDER THAT THEY APPEAR IN THE REGULATIONS.

It is important for the applicant to note that this criterion is in two parts: (1) the needs addressed by the project, how the applicant identified the needs, how the needs will be met by the center, and the benefits to be gained; and (2) if the applicant is planning to serve an area identified in the State IL plan as a priority area, the applicant should provide information showing that the service area comes within a SPIL priority and what priority the State has placed on the particular area to be served. If a letter from the State is included in Section H of this application package, the applicant may wish to note that fact in the application.

(b) Involvement of individuals with significant disabilities
(5 points).

(1) The Secretary reviews each application for information that shows that individuals with significant disabilities are appropriately involved in the development of the application.

(2) The Secretary looks for information that shows that individuals with significant disabilities or their parents, guardians, or other legally authorized advocates or representatives, as appropriate, will be substantially involved in planning, policy direction, and management of the center, and, to the greatest extent possible, that individuals with significant disabilities will be employed by the center.

This criterion should address how individuals with disabilities were involved in the development of the concept of a center in the area to be served; how their input was obtained and considered in identifying the unmet needs and the scope of services necessary to meet the needs, development of the plan of operation, identification and selection of key personnel or the plan to obtain personnel to govern and operate the center; how potential consumers of services from the proposed center will be involved in development of management policies, the scope and provision of services; and how such individuals were involved in the development of the grant application.

(c) Plan of operation (20 points). The Secretary reviews each application for information that shows the quality of the plan of operation for the project, including--

(1) The quality of the design of the project;

(2) The extent to which the plan of management ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program;

(4) The quality and adequacy of the applicant's plan to use its resources (including funding, facilities, equipment, and supplies) and personnel to achieve each objective;

(5) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability; and

(6) A clear description of how the applicant will provide equal access to services for eligible project participants who are members of groups that have been traditionally under-represented, including--

- (i) Members of racial or ethnic minority groups;
- (ii) Women;
- (iii) Elderly individuals; and
- (iv) Children and youth.

When addressing this criterion, please consider the note following paragraph (d) of this section.

(d) Meeting the standards and the assurances (25 points). The Secretary reviews each application for information that shows--

(1) Evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the standards in section 725(b) of the Act and the indicators in 34 CFR Part 366, Subpart G (366.60 - 366.63).

(2) Convincing evidence of demonstrated success in satisfying, or a clearly defined plan to satisfy, the assurances in section 725(c) of the Act and 34 CFR Part 366.50.

*In addressing the plan of operation and meeting the standards and assurances criteria, the applicant should develop a three-year workplan meeting the requirements of section 725(c)(4) of the Act. **Only the first year of the plan needs to be submitted with this application.** In developing the workplan, it may be helpful for the applicant to review the standards and assurances on pages E - 17 et seq. The workplan should be specific and measurable so that, at the end of each project year, the center can compare its achievements against its projected goals. For example:*

- (1) Goals and activities. *Include long term goals and specific activities planned to meet the requirements of each of the standards in section 725 of the Act, and the indicators in 34 CFR Part 366, Subpart G.*
- (2) Advocacy. *Include details of how the center plans to achieve its social change goals, including, but not limited to:*
 - (i) *A community advocacy plan and related activities;*
 - (ii) *A technical assistance plan and related activities;*
 - (iii) *A plan for collaboration with other agencies and groups to further communication, coordination, and cooperation along with related activities; and*
 - (iv) *Affirmative action plans.*

- (3) Resource development. Include the center's goals and activities for obtaining and increasing funding (including in-kind) from sources other than Title VII of the Act.
- (4) Outreach. Describe the center's plans for outreach to consumers who are members of populations of individuals with significant disabilities, including minorities, who are unserved or underserved.
- (5) Community and individual IL service needs. Identify the community and individual IL services the center anticipates providing, and how services will be coordinated with other service providers to avoid duplication. Ensure that the intended services are consistent with the approved State plan in the State in which the center plans to provide services.
- (6) Response to needs. Include in the work plan, if appropriate, how the center plans to respond to particular needs identified from needs assessments or surveys of potential consumers in the intended service area.
- (7) Training. Include plans for training governing board, employees, volunteers, and consumers, e.g., staff development, IL philosophy, ADA, self-advocacy and personal power.

(f) Budget and cost effectiveness (10 points). The Secretary reviews each application for information that shows the extent to which--

- (1) The budget is adequate to support the project; and
- (2) Costs are reasonable in relation to the objectives of the project.

*In addressing this criterion and in developing the budget for the center, consideration should be given to the relationship between the budget and the plan of operation, e.g., is the budget adequate or inadequate in view of what the applicant proposes to do. **The budget submittal covers the full five years of the project. See Part III - Budget Information.***

(e) Quality of key personnel (10 points).

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project, including--

- (i) The qualifications of the project director, if one is to be used;
- (ii) The qualifications of each of the other management and decision-making personnel to be used in the project;
- (iii) The time that each person referred to in paragraphs (d)(1)(i) and (ii) of this section will commit to the project;

- (iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability; and
 - (v) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally under-represented, including--
 - (A) Members of racial or ethnic minority groups;
 - (B) Women;
 - (C) Persons with disabilities; and
 - (D) Elderly individuals.
- (2) To determine personnel qualifications under paragraphs (d)(1)(i) and (ii) of this section, the Secretary considers--
- (i) Experience and training in fields related to the objectives of the project; and
 - (ii) Any other qualifications that pertain to the objectives of the project.

*This section should identify the person (or a recruitment plan for the person if individuals are not **named**) being proposed for each position presented in the management plan and the time commitment allocated to the position. Each person's qualifications should be presented in a manner that shows a clear relationship to the selection criteria for that designated position. This section should also describe procedures for encouraging applications for employment from persons who are members of groups that have been traditionally underrepresented such as members of racial or ethnic minority groups, women, persons with disabilities, and the elderly. Finally, a full disclosure of all time commitments should be included for each person listed in the application. **The application should include information to show how the center will meet the requirements that over 50% of the decisionmakers and over 50% of the staff of the center must be individuals with disabilities; and over 50% of the governing board must be individuals with significant disabilities.***

(g) Evaluation plan (5 points). The Secretary reviews each application for information that shows the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation--

- (1) Are appropriate for the project;
- (2) Will determine how successful the project is in meeting its goals and objectives; and
- (3) Are objective and produce data that are quantifiable.
(Cross-reference: See 34 CFR 75.590.)

This section of the application should describe procedures to assure that the project's activities are being implemented appropriately and that project objectives are being met. The evaluation plan should include the self-evaluation required by section 725(c)(8) of the Act and 34 CFR Part 366, Subpart G (See footnote 3).

(h) Past performance (5 points). The Secretary reviews each application for information that shows the past performance of the applicant in successfully providing services comparable to the IL core services and other IL services listed in section 7(29) and (30) of the Act and 34 CFR 364.4(b) and other services that empower individuals with significant disabilities.

The IL core services are information and referral, IL skills training, peer counseling, including cross-disability peer counseling, and individual and systems advocacy. For a list of IL services, see pages E - 18 and 19.

PART III - BUDGET INFORMATION

Part III of this application consists of budget information. All applicants are required to complete the Budget Information form for each year of the grant. The following instructions are to be used in completing Part III- Budget Information.

INSTRUCTIONS FOR ED FORM NO. 524

General Instructions

This form is used to apply to individual U. S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable specific instructions, if attached.

Section A - Budget Summary U. S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e):

For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f):

Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, column (a)-(e):

Show the total budget request for each project year for which funding is requested.

Line 12, column (f):

Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

U. S. DEPARTMENT OF EDUCATION BUDGET INFORMATION NON-CONSTRUCTION PROGRAMS					OMB Control No. 1875-0102 Expiration Date: 9/30/95	
Name of Institution/Organization:			Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.			
SECTION A - BUDGET SUMMARY				U.S. DEPARTMENT OF EDUCATION FUNDS		
Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction	N/A	N/A	N/A	N/A	N/A	N/A
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends	N/A	N/A	N/A	N/A	N/A	N/A
12. Total Costs (lines 9-11)						

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e):

For each budget year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f):

Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e):

Show the total matching contribution for each project year.

Line 12, column (f):

Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information

Pay attention to applicable program specific instructions, if attached

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.
2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final, or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.
3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
4. Provide other explanations or comments you deem necessary.

Name of Institution/Organization:	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.
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SECTION A - BUDGET SUMMARY						NON-FEDERAL FUNDS
Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction	N/A	N/A	N/A	N/A	N/A	N/A
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends	N/A	N/A	N/A	N/A	N/A	N/A
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

PART IV - STANDARDS, ASSURANCES, CERTIFICATIONS, AND DISCLOSURES

This section contains the standards and assurances in section 725 of the Act; certifications regarding lobbying, debarment, suspension and other responsibility matters, and drug-free workplace requirements.

STANDARDS - SECTION 725(b) OF THE ACT

The application must include a plan for meeting by September 30, 1997, or demonstrate success in meeting the following standards.	
1) The center shall <u>promote</u> and <u>practice</u> the independent living philosophy of -	
1(a) consumer control of the center regarding decisionmaking of the center;	Application page number of plan or description.
1(b) consumer control of the center regarding the service delivery of the center;	Application page number of plan or description.
1(c) consumer control of the center regarding the management of the center;	Application page number of plan or description.
1(d) consumer control of the center regarding the establishment of the policy and direction of the center;	Application page number of plan or description.
1(e) self-help and self-advocacy;	Application page number of plan or description.
1(f) development of peer relationships and peer role models; and	Application page number of plan or description.
1(g) equal access of individuals with severe disabilities to society and to all services, programs, activities, resources, and facilities, whether public or private and regardless of the funding source.	Application page number of plan or description.
2(a) The center shall provide services to individuals with a range of severe disabilities. The center shall provide services on a cross-disability basis (for individuals with all different types of severe disabilities).	Application page number of plan or description.
2(b) The center shall provide services to individuals with severe disabilities who are members of populations that are unserved or underserved by programs under the Act.	Application page number of plan or description.
2(c) Eligibility for services at any center for independent living shall not be based on the presence of any one or more specific severe disabilities.	Application page number of plan or description.
3) The center shall facilitate the development and achievement of independent living goals selected by individuals with severe disabilities who seek such assistance by the center.	Application page number of plan or description.
4) The center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by the individuals with severe disabilities.	Application page number of plan or description.

The application must include a plan for meeting by September 30, 1997 or demonstrate success in meeting the following standards or include in its application a plan for meeting the standards. (Cont.)

5(a) The center shall provide independent living core services:

(i) information and referral services;	Application page number of plan or description.
(ii) independent living skills training;	Application page number of plan or description.
(iii) peer counseling (including cross-disability peer counseling); and	Application page number of plan or description.
(iv) individual and systems advocacy.	Application page number of plan or description.

The application must include a plan for meeting by September 30, 1997 or demonstrate success in meeting the following standards or include in its application a plan for meeting the standards. (Cont.)

5(b) The center shall provide as appropriate, a combination of any other independent living services, i.e., independent living core services; and --

- (i) counseling services, including psychological, psychotherapeutic, and related services;
- (ii) services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of the Act and of the titles of the Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with disabilities);
- (iii) rehabilitation technology;
- (iv) mobility training;
- (v) services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;
- (vi) personal assistance services, including attendant care and the training of personnel providing such services;
- (vii) surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;
- (viii) consumer information programs on rehabilitation and independent living services available under the Act, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under the Act;
- (ix) education and training necessary for living in the community and participating in community activities;
- (x) supported living;
- (xi) transportation, including referral and assistance for such transportation;
- (xii) physical rehabilitation;
- (xiii) therapeutic treatment;
- (xiv) provision of needed prostheses and other appliances and devices;
- (xv) individual and group social and recreational services;
- (xvi) training to develop skills specifically designed for youths who are individuals with disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;
- (xvii) services for children;
- (xviii) services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with disabilities;
- (xix) appropriate preventive services to decrease the need of individuals assisted under the Act for similar services in the future;
- (xx) community awareness programs to enhance the understanding and integration of individuals with disabilities; and
- (xxi) such other services as may be necessary and not inconsistent with the provisions of the Act.

Application page number of plan or description.

The application must include a plan for meeting by September 30, 1997 or demonstrate success in meeting the following standards, or include in its application and plan for meeting the standards.

Standard from §725 of the Act.	Description of 1) plan or 2) demonstrated success in satisfying
6) The center shall conduct activities to increase the capacity of communities within the service area to meet the needs of individuals with severe disabilities.	Application page number of plan or description.
7) The center shall conduct resource development activities to obtain funding from sources other than chapter 1 of Title VII of the Act.	Application page number of plan or description.

ASSURANCES - SECTION 725(c) OF THE ACT

The following should be signed by the applicant's authorized representative who should be the center's executive director or equivalent. Please indicate by placing a checkmark in the left-hand column that the applicant affirmatively assures that:	
Yes	Assurance:
	1) The applicant is a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency;
	2(a) The center is designed and operated within local communities by individuals with disabilities; and
	2(b) The center has a Board that is the principal governing body of the center and a majority of which are individuals with significant disabilities ;
	3) The applicant will comply with the standards set forth in §725(b) and 34 CFR Part 366, Subpart G;
	4(a) The applicant will establish clear priorities through annual and 3-year programs and financial planning objectives for the center; these plans and objectives --
	(i) have overall goals or a mission for the center,
	(ii) have a work plan for achieving the goals or mission,
	(iii) have specific objectives,
	(iv) have service priorities,
	(v) describe types of services to be provided, and
	(vi) describe how activities are consistent with the Independent Living State Plan;
	5(a) The applicant will use sound organizational and personnel assignment practices; and
	5(b) The applicant takes affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 503 of the Act;
	6(a) The applicant will ensure that the majority of the staff are individuals with disabilities; and
	6(b) the applicant will ensure that the majority of the individuals in decisionmaking positions of the applicant are individuals with disabilities;
	7(a) The applicant will practice sound fiscal management; and
	7(b) the applicant will make arrangements for an annual independent fiscal audit;

Assurances Continued.	
Yes	Assurances
	8(a) The applicant will conduct annual self-evaluations, prepare an annual report, and maintain records adequate to measure performance with respect to the standards, containing information regarding --
	(i) the extent to which the center is in compliance with the standards;
	(ii) the number and types of individuals with significant disabilities receiving services through the center;
	(iii) the types of services provided through the center and the number of individuals with significant disabilities receiving each type of service;
	(iv) the sources and amounts of funding for the operation of the center;
	(v) the number of individuals with significant disabilities who are employed by, and the number who are in management and decisionmaking positions in, the center; and
	(vi) a comparison of the activities of the center in prior years with the activities of the center in the most recent year;
	9) Individuals with significant disabilities who are seeking or receiving services or their parents, family members, guardians, advocates or authorized representatives will be notified by the center of the existence of, the availability of, purposes of, and how to contact, the client assistance program;
	10) Aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under this title, especially minority groups and urban and rural populations;
	11) Staff at centers for independent living will receive training on how to serve such unserved and underserved populations, including minority groups and urban and rural populations;
	12) The center will submit to the Statewide Independent Living Council a copy of its approved grant application and the annual performance report required under paragraph (8);
	13) The center will prepare and submit an annual performance report to the designated State unit or the Commissioner, as the case may be, at the end of each fiscal year that contains the information described in paragraph 725(c)(8) of the Act, 34 CFR 366.50(h), and information regarding the extent to which the center is in compliance with the standards set forth in §725(b) of the Act; and
	14) An independent living plan, described in §704(e) of the Act, will be developed unless the individual who would receive services under the plan signs a waiver stating that such a plan is unnecessary. (Authority: §§ 20 and 725(c) of the Act; 34 CFR 364.52)
As a duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above assurances.	
Name of Applicant:	
Printed name and title of authorized representative:	
Signature: _____ Date: _____	

PART IV CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 -

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing

a public (Federal, State, or local) transaction or contract under a public transaction: violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about -

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 600 Maryland Avenue, S.W. (room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is co convicted -

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
(2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ____ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 35 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offence resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to Director, Grants and Contracts Service, US Department of Education, 600 Maryland Avenue, SW (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number of each affected grant.

As the duly authorized representative of the applicant, I certify that the applicant will comply with the above certifications.

.....

NAME OF APPLICANT_____

PR/AWARD NO. AND/OR PROJECT NAME _____

PRINTED NAME OF AUTHORIZED REPRESENTATIVE_____

SIGNATURE_____ DATE_____

ED 80-OO13

.....

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND
VOLUNTARY EXCLUSION - LOWER TIER COVERED TRANSACTIONS**

.....

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.120.
Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," "and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titles "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification:

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name of Applicant	PR/Award # and/or Project Name
Printed Name and Title of Authorized Representative	
Signature	Date

ED 80-0014, 9/90 (replaces GCS-009(rev. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

approved by O.M.B. 0345-0045

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 (see reverse for public burden disclosure)

1. Type of Federal Action <input type="checkbox"/> a. Contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. coop. agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: yr. __ qrtr. __ Date of last report __
4. Name and Address of Reporting Entity: __Prime __Subawardee Tier __, if known Congressional District __		5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
6. Federal Department/Agency:	7. Federal Program Name/Description: CDFA #, if applicable 84. __	
8. Federal Action Number, if known:	9. Award Amount, if known: \$	
10.a. Name and Address of Lobbying Entity (if individual, last name, first name, MI)	b. Individuals Performing Services (including address if different from 10a) (last name, first name, MI) attach SF-LLL-A, if necessary	
11. Amount of Payment (check all that apply): \$ _____ actual _____ planned _____	13. Type of Payment (check all that apply): <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other; specify: _____	
12. Form of Payment (check all that apply): _____ <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind: nature _____ value _____		
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in item 11: <div style="text-align: center;">(attach contin. sht., SF-LLL-A, if necessary)</div>		
15. Continuation Sheet(s) SF-LLL-A attached ____ Yes ____ No		
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: Print Name Title : Telephone No: ____ - ____ - ____ Date:	
Federal Use Only:		Authorized for Local Reproduction SF- LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

- 1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
- 2. Identify the status of the covered Federal action.
- 3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
- 4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, of expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
- 5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
- 6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
- 7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
- 8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number grant announcement number, the contract, grant, or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
- 9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
- 10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal Action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a) Enter Last Name, First Name, and Middle Initial (MI).
- 11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
- 12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
- 13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
- 14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
- 15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
- 16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget Paperwork Reduction Project (0348-0046), Washington, D.C. 20503

DISCLOSURE OF LOBBYING ACTIVITIES
Continuation Sheet

Approved by OMB
0348-0046

Reporting Entity: _____ Page ____ of ____

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**NOTICE REGARDING EXECUTIVE ORDER 12372 AND STATE
SINGLE POINTS OF CONTACT**

Executive Order 12372 - Intergovernmental Review

The Education Department General Administrative Regulations (EDGAR), 34 CFR 79, pertaining to intergovernmental review of Federal programs, apply to the program(s) included in this application notice.

Immediately upon receipt of this notice, all applicants, other than Federally recognized Indian Tribal Governments, must contact the appropriate State Single Point of Contact to find out about, and to comply with the State's process under EO 12372. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the Single Point of Contact for each State and follow the procedures established in those States under EO 12372. A list containing the Single Point of Contact for each State is included in the application package for these programs.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date in the program announcement for Intergovernmental Review to the following address:

The Secretary
E.O. 12372-CFDA# 84.132A
U.S. Department of Education, Room 4181
600 Maryland Ave., S.W.
Washington, DC 20202-0100

In those States that require review for this program, applications are to be submitted simultaneously to the State Review Process and U.S. Department of Education.

Proof of mailing will be determined on the same basis as applications.

Please note that the above address is not the same address as the one to which the applicant submits the completed application. Do not send applications to the above address.

NOTICE REGARDING EXECUTIVE ORDER 12372 AND LISTING OF STATE SINGLE POINTS OF CONTACT

ARIZONA

Ms. Janice Dunn
Arizona State Clearinghouse
3800 N. Central Avenue
Fourteenth Floor
Phoenix, Arizona 85012
Telephone (602) 280-1315

ARKANSAS

Tracie L. Copeland
Manager, St. Clearinghouse
Off. of Intergover. Svcs.
Dept. of Finance and Admin.
P.O. Box 3278
Little Rock, Arkansas 72203
Telephone (501) 682-1074

CALIFORNIA

Glenn Stober
Grants Coordinator
Office of Planning & Research
1400 Tenth Street
Sacramento, California 95814
Telephone (916) 323-7480

COLORADO

St. of Single Point of Contact
State Clearinghouse
Division of Local Government
1313 Sherman Street, Room 520
Denver, Colorado 80203
Telephone (303) 866-2156

CONNECTICUT

Mr. William T. Quigg
Intergov. Review Coordinator
State Single Point of Contact
Office of Policy and Management
Intergov. Policy Div.
80 Washington Street
Hartford, Connecticut 06106-4459
Telephone (203) 566-3410

INDIANA

Jean S. Blackwell
Budget Director
St. Budget Agency
212 State House
Indianapolis, Indiana 46204
Telephone (317) 232-5610

DELAWARE

Francine Booth
State Single Point of Contact
Executive Department
Thomas Collins Building
Dover, Delaware 19903
Telephone (302) 739-3326

DISTRICT OF COLUMBIA

Rodney T. Hallman
State of Single Point of
Office of Grants Mgmt & Dev.
717 14th Street N.W.
Suite 500
Washington, D.C. 20005
Telephone (202) 727-6551

FLORIDA

Intergov. Affairs Policy Unit
Exe. Off. of the Governor
The Capitol
Tallahassee, Florida 32399-0001
Telephone (904) 488-8441

GEORGIA

Charles H. Badger
Administrator
Georgia State Clearinghouse
254 Washington Street, S.W.
Room 534 A
Atlanta, Georgia 30334
Telephone (404) 656-3855

ILLINOIS

Steve Klockenga
St. Single Point of Contact
Off. of the Governor
107 Stratton Building
Springfield, Illinois 62706
Telephone (217) 782-1671

MASSACHUSETTS

Karen Arone
St. Clearinghouse
Exe. Off. of Comm. & Devel.
100 Cambridge Street, Rm. 1803
Boston, Massachusetts 02202
Telephone (617) 727-7001

IOWA**MICHIGAN**

Steven R. McCann
Div. for Comm. Progress
Iowa Dept. of Economic Devel.
200 East Grant Avenue
Des Moines, Iowa 50309
Telephone (515) 281-3725

Richard S. Pastula
Director
Michigan Department of Commerce
Office of Federal Grants
P.O. Box 30225
Lansing, Michigan 48909
Telephone (517) 373-7356

KENTUCKY

Ronald W. Cook
Off. of the Governor
Dept. of Local Government
1024 Capitol Center Drive
Frankfort, Kentucky 40601
Telephone (502) 564-2382

MAINE

Joyce Benson
St. Planning Off.
St. House Station 38
Augusta, Maine 04333
Telephone (207) 289-3261

MARYLAND

Mary Abrams
Chief, MD St. Clearinghouse
Dept. of St. Planning
301 West Preston Street
Baltimore, Maryland 21201
Telephone (410) 225-4490

NEW HAMPSHIRE

Jeffery H. Taylor
Dir. NH Off. of St. Planning
Attn: Intergov. Review Process
James E. Bieber
2 1/2 Beacon Street
Concord, New Hampshire 03301
Telephone (603) 271-2155

NEW JERSEY

Gregory W. Adkins, Acting Dir.
Div. of Community Resources
NJ Dept. of Comm. Affairs

Please direct all correspondence
and questions about intergov.

review to:

Andrew J. Jaskolka
St. Review Process
Div. of Comm. Resources
CN 814, Rm. 609
Trenton, New Jersey 08625-0814
Telephone (609) 292-9025

NEW MEXICO

George Elliott
Deputy Director
St. Budget Division

MISSOURI

Lois Pohl
Fed. Assistance Clearinghouse

MISSISSIPPI

Cathy Mallette
Clearinghouse Officer
Off. of Fed. Grant Mngt. & Reporting
Dept. of Finance and Admin.
301 West Pearl Street
Jackson, Mississippi 39203
Telephone (601) 949-2174

Off. of Administration
P.O. Box 809
Room 430, Truman Building
Jefferson, Missouri 65102
Telephone (314) 751-4834

NEVADA

Dept. of Admin.
St. Clearinghouse
Capitol Complex
Carson City, Nevada 89710
Attn: Ron Sparks
Clearinghouse Coordinator
Telephone (702) 687-4065

NORTH CAROLINA

Mrs. Chrys Baggett
Director
Off. of the Secretary of Admin.
N.C. St. Clearinghouse
116 West Jones Street
Raleigh, North Carolina 27603-8003
Telephone (919) 733-7232

NORTH DAKOTA

ND Single Point of Contact
Off. of Intergov. Assistance
Off. of Mngt & Budget
600 East Blvd. Avenue
Bismarck, North Dakota 58505-0170
Telephone (701) 224-2094

OHIO

St. Single Point of Contact
St./Fed. Funds Coordinator

Larry Weaver

Rm. 190, Bataan Mem. Building
Sante Fe, New Mexico 85703
Telephone (505) 827-3640

St. Clearinghouse
Off. of Bud. & Mngt.
30 East Broad St., 34th Floor
Columbus, Ohio 43266-0411
Telephone (614) 466-0698

NEW YORK

New York St. Clearinghouse
Div. of the Budget
St. Capitol
Albany, New York 12224
Telephone (518) 474-1605

RHODE ISLAND

Daniel W. Varin
Associate Director
Statewide Planning Program
Dept. of Admin.
Div. of Planning
265 Melrose St.
Providence, Rhode Island 02907
Telephone (401) 277-2656
Please direct correspondence and questions to:
Review Coordinator
Office of Strategic Planning

SOUTH CAROLINA

Omegia Burgess
St. Single Point of Contact
Grant Services
Office of the Governor
1205 Pendelton Street
Room 477
Columbia, South Carolina 29201
Telephone (803) 734-0494

Off. of Policy Research &

109 St. Street
Montpelier, Vermont 05602

VERMONT

Bernard D. Johnson
Assistant Director
Coordination
Pavilion Off. Building
Telephone (802) 828-3326

SOUTH DAKOTA

Susan Comer
St. Clearinghouse Coordinator
Off. of the Governor
500 East Capitol
Pierre, South Dakota 57501
Telephone (605) 773-3212

WEST VIRGINIA

Fred Cutlip
Director
Comm. Develop. Div.
Building #6, Rm. 553
Charleston, WV 25305
Telephone (304) 348-4010

TENNESSEE

Charles Brown
St. Single Point of Contact
St. Planning Off.
500 Charolette Avenue
309 John Sevier Building
Nashville, Tennessee 37219
Telephone (615) 741-1676

Wisconsin Dept. of Admin.

WISCONSIN

William C. Carey
Fed./St. Relations Office
101 South Webster St.
P.O. Box 7864
Madison, Wisconsin 53707

Please direct correspondence and
questions to:

William C. Carey, Section Chief
Fed./St. Relations Off.
Wisconsin Dept. of Admin.
Telephone (608) 266-0267

TEXAS

Tom Adams
Governor's Off. of Bud. &
Planning
P.O. Box 12428
Austin, Texas 78711
Telephone (512) 463-1778

WYOMING

Herschler Building

Sheryl Jeffries
St. Single Point of Contact
4th Floor, East Wing
Cheyenne, Wyoming 82002
Telephone (307) 777-7574

UTAH

Utah St. Clearinghouse
Off. of Planning & Budget
Attn: Carolyn Wright
Rm. 116 St. Capitol
Salt Lake City, Utah 84114
Telephone (801) 538-1535

GUAM

Michael J. Reidy
Director
Bureau of Bud. & Mngt.
Research
Office of the Governor
P.O. Box 2950
Agana, Guam 96910
Telephone (671) 472-2285

PUERTO RICO

Norma Burgos/Jose E. Caro
Chairman/Director
Puerto Rico Planning Board
Minillas Government Center
P.O. Box 41119
San Juan, Puerto Rico 00940-9985
Telephone (809) 727-4444

VIRGIN ISLANDS

Jose George
Director, Office of Management and Budget
#41 Norregade Emancipation Garden Station
Second Floor
Saint Thomas, Virgin Islands 00802

Please direct correspondence to: Linda Clarke
Telephone (809) 774-0750

*In accordance with Executive Order #12372, "Intergovernmental Review Process," this listing represents the designated State Single Points of Contact. Upon request, a background document explaining the Executive Order is available. The Office of Management and Budget point of contact for updating this listing is: Donna Rivelli (202) 395-5090. The States not listed no longer participate in the process. These include: Alabama; Alaska; Kansas; Idaho; Louisiana; Minnesota; Montana; Nebraska; Oklahoma; Oregon; Pennsylvania; Virginia; Washington; and Hawaii. This list is based on the most current information provided by the States. Information on any changes or apparent errors should be provided to the Office of Management and Budget and the State in question. Changes to the list will be made only upon formal notification by the State.

**IMPORTANT NOTICE
TO PROSPECTIVE PARTICIPANTS
IN THE U.S. DEPARTMENT OF EDUCATION
CONTRACT AND GRANT PROGRAMS**

GRANTS

Applicants for grants from the U.S. Department of Education (ED) have to compete for limited funds. Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste. For these reasons, ED must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that -

Failure to meet a deadline will mean that an application will be
rejected without any consideration whatever.

The rules, including the deadline, for applying for each grant are published, individually, in the Federal Register. A one-year subscription to the Register may be obtained by sending \$340.00 to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9371. (Send check or money order only, on cash or stamps.)

The instructions in the federal Register must be followed exactly. Do not accept any other advice you may receive. No ED employee is authorized to extend any deadline published in the Register.

Questions regarding submission of applications may be addressed to:

U.S. Department of Education
Application Control Center
Washington, DC 20202-4725

Competitive procurement actions undertaken by the ED are governed by the Federal Procurement Regulation and implementing ED Procurement Regulation.

Generally, prospective competitive procurement actions are synopsisized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement and where to apply for copies of the Request for Proposals (RFP).

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the RFP. Questions regarding the submission of offers should be addressed to the Contracts Specialist identified on the face page of the RFP.

Offers are judged in competition with other, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or RFP. No ED employee is authorized to consider a proposal which is non-responsive to the RFP.

A subscription to the CBS is available for \$208.00 per year via second class mailing or \$261.00 per year via first class mailing. Information included in the Federal Acquisition Regulations is contained in Title 48, Code of Federal Regulations, Chapter 1 (\$ 49.00). The foregoing publication may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402-9371

In an effort to be certain this important information is widely disseminated, this notice is being included in all ED Mail to the public. You may, therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

ED Form 5548 8/92REPLACES ED FORM 5548, 6/86 WHICH IS OBSOLETE Standard Form - LLL-A

SECTION H STATE PRIORITIES FOR CENTERS

South Carolina

All areas of the State are unserved with the exception of the Northwest corner which is underserved.